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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You have said:

"Whoever believes shall not be put to shame."

Strengthen us in faith, O Lord.

May we hold in high value the faith of Your people.

May the laws of this land and the concerns of this chamber protect and never diminish the free exercise of the faith of this Nation.

Make us steadfast in addressing doubt and confusion.

Give us compassion so as to guide those who are weak in their convictions.

Form out of us a haven for those who lose hope because of injustice.

Lord, may we be creative in restoring hope, persistent in making right judgments, and persevering in speaking the truth.

For You are the perfecter of our faith now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. HUTCHINSON) come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, an-

nounced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1419. An act to amend title 36, United States Code, to designate May as "National Military Appreciation Month".

S. 2311. An act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair will entertain 1 minute requests.

DEATH TAX SHOULD BE REPEALED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Woody Allen once said that "death should not be viewed as the end, but as a very effective way to cut down expenses."

Well, unfortunately, this maxim just does not hold true. Currently, at the time of death, Americans are assessed an additional tax on the value of their property known as the death tax. This added expense is why over 70 percent of the family businesses do not survive to the second generation.

Mr. Speaker, it is simply shameful that the Federal Government requires an American to pay up to 60 percent of their savings, their businesses, or their farm in taxes when they die. Therefore, I encourage all of my colleagues to support H.R. 8 which will eliminate the unfair death tax over the next 10 years. Americans should not have to mourn the loss of a family, a business, or a farm in addition to the loss of a loved one.

It is time to bury the death tax once and for all.

MEDICARE TO COVER CLINICAL TRIALS

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today to praise President Clinton for acting today to ensure that senior citizens have access to clinical trials identical to legislation, H.R. 61, which I have sponsored.

The President's Executive Order announced this morning will ensure that Medicare will cover the routine costs associated with clinical trials. This action is long overdue and will ensure that 39 million Medicare beneficiaries get access to cutting-edge treatments which save lives.

Clinical trials are research projects which test new therapies and treatments. It is especially significant that this initiative ensures access to all types of clinical trials, not just cancer, in the same manner as my legislation would.

Under current law, Medicare does not provide coverage for routine patient costs associated with clinical trials. As a result, many senior citizens do not participate in these trials because they cannot afford to pay the out-of-pocket costs. Today, only 1 percent of senior citizens participate in clinical trials, yet seniors disproportionately face these diseases, such as cancer, Alzheimer's, heart disease, and diabetes.

This initiative is the right thing to do for our seniors. With more participation by seniors, researchers will discover treatments at a more rapid pace, because more participation will yield scientifically valid data to test the protocols being developed.

I praise the President for this action.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H3931

ELIMINATION OF DEATH TAX IS RIGHT FOR AMERICA

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, Benjamin Franklin said that the only thing certain in life were death and taxes, but I do not even think Ben Franklin could have foreseen that death and taxes would eventually come hand in hand. Yet, for too many years, the death tax has been punishing Americans simply for dying.

Because of the death tax, many Americans are denied the opportunity to pass on their life's work to their children or grandchildren. This unfair tax is especially hard on small business owners and farmers. Nine out of 10 American businesses are owned by families, and these families should have the right to keep their business. In Arkansas, because of the death tax, many farmers and small business owners must take out expensive life insurance policies to help their families cope with the tax burden. Instead of enjoying their retirement years, these Arkansans must worry about the government taxing their family into the ground.

This week, the House will be voting on the Death Tax Elimination Act, a bill that is long overdue. Eliminating the death tax is the right thing to do for American families, American farmers, and American small business owners.

AMERICANS NEED AFFORDABLE, QUALITY DAY CARE

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, in 7 out of 10 families, both parents work. The supply of day care is not adequate to the need. In New York City alone, over 37,000 families are on the waiting list for subsidized day care.

Yesterday, I joined Vice President GORE, Mrs. Gore, and Rosie O'Donnell at a day care center in my district where Vice President GORE outlined his plans to expand access and quality of day care. Vice President GORE would help parents afford child care by expanding the child care tax credit for families with two working parents and where one parent stays at home. He would increase the child care development block grant so that more families could afford child care. His Ready to Learn plan would provide funding for States that develop better training and raise standards.

Mr. Speaker, difficult challenges require creative solutions. The Vice President's plan, his 4-year plan, would expand affordable, available, quality day care.

TAX ON DYING SHOULD BE REPEALED

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to request truth in advertising.

Is America not the land of opportunity? Is not the sweat of our brow, the work of our hands supposed to be all that is required to succeed in this country? Well, that may be the case until the farm or the family business is ready to be passed to the next generation.

A family-owned farm or business stands to lose more than half of everything to the Federal estate tax, which is really a tax on death. Mr. Speaker, 70 percent of families are forced to sell or abandon businesses after one generation because of death taxes. Only 13 percent survive to the third generation.

Farmland is disappearing in America by millions of acres. Mr. Speaker, how can we expect the people to work hard and achieve the American dream if we are just going to take it from them in the end?

When a business closes, jobs are lost; on an average, 30 jobs for every small business liquidated due to death taxes. Our national productivity suffers. On the other hand, 60 percent of business owners say they would add jobs if the estate tax was repealed, and that is just what we ought to do.

Mr. Speaker, let us get rid of this terrible tax on dying.

WORLD TRADE ORGANIZATION SIDES WITH JAPAN ON ILLEGAL STEEL DUMPING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the World Trade Organization ruled that an 84-year-old American law duly passed by Congress, designed to stop illegal dumping was, in fact, no longer legal. The WTO sided with Japanese steel imports saying that the American law is a violation of international trade.

Unbelievable. Illegal steel-dumping is killing America, and these sons of bachelors, believe me, side with Japan dumping.

Beam me up, Mr. Speaker. I thought America won the war. I yield back a \$320 billion trade deficit, most of it going to Japan, and the Chinese Red Army.

PRESERVE THE AMERICAN DREAM BY VOTING TO REPEAL DEATH TAX

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, in a movie called Meet Joe Black, Death disguises himself as a young man named Joe Black so as to better observe life on Earth. While

watching a dinner party, one guest remarks to another that the only 2 certainties in life are death and taxes. Joe Black responds, death and taxes, what an interesting pairing.

For years, the IRS has thought so too. Americans are currently subjected to the death tax, a law that taxes families up to 60 percent of their loved one's savings, or the worth of their farm or family business, upon their death. This unfair tax prevents more than 70 percent of America's small businesses and family farms being passed from one generation to the next.

This week, the House will vote on legislation to repeal the death tax. I urge my colleagues to support preserving the American dream by voting to end the death tax.

□ 1015

BIPARTISAN HATE CRIMES PREVENTION ACT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today in support of a bipartisan Hate Crimes Prevention Act and also to mark the second anniversary of the murder of James Byrd in Jasper, Texas. We must continue to fight to end the racial stereotypes that create misunderstanding and prejudice that lead to such acts of violence. Congress must work to change attitudes, laws, and institutions for the good of all Americans and reject the voices of hate and separatism.

By passing H.R. 1082, Congress can reaffirm our Nation's commitment to the true American dream: an integrated society rich in diversity and open equally to all. Thank goodness that we no longer see signs that read "white" and "colored." The voters' booth and the schoolhouse door now swing open for everyone. However, while much has been accomplished, more needs to be done.

Mr. Speaker, we cannot rest until we solve the oldest, most stubborn, most painful challenge of our Nation: the continuing challenge of race. We must not be finished with seeking peace or justice or freedom equality, human dignity or reconciliation. We must continue to cry out for equality and justice. Because if we are silent, another innocent citizen like James Byrd, Jr., may be brutally beaten or savagely murdered.

We must not rest, nor must we fail to act. Passing H.R. 1082 will be a victory for every American and bring our Nation one step closer to the American dream. Mr. Speaker, it is a Federal crime to seize an automobile. Let us make it one to kill a man because of the color of his skin.

REPEAL OF THE DEATH TAX

(Ms. DUNN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, this week the House will vote on H.R. 8, the Death Tax Elimination Act, a bipartisan bill supported by 244 Members of the House, including 46 Democrats and one Independent.

Mr. Speaker, repeal of the death tax is supported by a huge coalition of folks all over this country. The Black Chamber of Commerce, the Hispanic Chamber of Commerce, the National Indian Business Association, many environmental groups and the National Association of Women Business Owners.

Twenty-five years ago, women were given access to business loans. Now, many are struggling to pass their life's work on to their children. According to their most recent study, women business owners spend an average of \$1,000 a month on estate planning just to prepare for the death tax and keep the family business in the family. With 44 million Americans without health insurance, a majority of them working for small businesses, that \$1,000 a month could go a long way toward providing benefits for employees.

Mr. Speaker, I urge my colleagues to support this important measure. Support repealing the unfair death tax.

CONGRESS MUST MAKE EDUCATION OUR TOP PRIORITY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to get its priorities straight and invest in public education to strengthen America.

Yesterday, Microsoft's Bill Gates told the Joint Economic Committee, and I quote, "Among the many high-tech issues before this Congress, none carries greater importance for our future economic vitality than education." I couldn't agree more.

But this week, Mr. Speaker, this House will consider a bill that guts education funding to finance a massive irresponsible tax package. We should be investing in education so that America can compete and win in the New Economy, but this misguided bill cuts education by \$2.9 billion, with a "b."

The bill cuts \$1 billion in targeted investments to improve teacher quality and recruit new teachers. The bill repeals 100,000 new teachers planned to reduce class sizes, many of whom are now teaching. The bill rejects the administration's plan to renovate 5,000 school facilities that need urgent safety and health repairs. It cuts 53,000 poor children from Head Start, and the list goes on.

Mr. Speaker, I am for responsible tax relief for our families, but we ought not to cut taxes on the backs of our children and jeopardize America's competitive economic opportunities.

DEATH TO THE DEATH TAX

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I welcome people of all points of view to this Chamber and to this well, but facts are stubborn things.

Perhaps if the Washington bureaucrats at the Department of Education were better educated in mathematics, they could tell us where \$18 billion appropriated by this Congress ended up. Here is a major hint: it did not end up in the classroom helping teachers teach and helping children learn.

So when we have the litany of shame, remember the real shame is the people who ask for more and more and yet less and less responsibility in actually helping our children learn with the money we send to Washington.

Mr. Speaker, another case in point: a lady now in her 80s, dependent on Social Security. Twenty years ago, her husband died and the IRS came to her and said she owed Uncle Sam \$800,000. The family business was sold.

Is that compassionate? Is that an irresponsible thing? I think it is irresponsible, not compassionate. Let us put the death tax to death and ask for more responsibility.

HATE CRIMES PREVENTION ACT: AN IDEA WHOSE TIME HAS COME

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to urge the House to take action on the Hate Crimes Prevention Act of 1999.

Today marks the second anniversary of the death of James Byrd, Jr., who was maliciously dragged from a speeding car along a back road in Jasper, Texas. His murderers had no problem with him other than the fact that he was black.

The Hate Crimes Act will protect individuals like James Byrd and others who have been attacked because of race, color, sexual orientation, religion, gender, or disability. In our society, rich with diversity, the desire for peaceful living is uppermost. It is past time for Congress to set and maintain civilized standards of peaceful diversity.

Hate crimes, like any other crime, should be unallowable and punished. Innocent people should not be allowed to be reaped upon just because of their race, color or gender.

Mr. Speaker, this is an idea whose time has come. I urge its immediate consideration and passage.

NO TAXATION WITHOUT RESPIRATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute.)

Mr. SCHAFFER. Mr. Speaker, we associate many symbols with death such as the Grim Reaper, tombstones, coffins, hearses and, of course, the IRS standing by any ordinary American who draws on his last breath.

Americans who work their entire lives to leave their families a savings account, farm, or small business are robbed at death by Federal taxes that devour 37 to 55 percent of everything they created. In the cruelest of ironies, families are often forced to sell these well-intentioned gifts in order to afford the taxes.

Mr. Speaker, this week the Congress will decide on whether to repeal the death tax. It is an issue that transcends party politics.

The Colonists rallied around the slogan, "No taxation without representation." This week let us agree: No taxation without respiration. May the death tax rest in peace.

HATE CRIMES: A FORM OF DOMESTIC TERRORISM

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, on this 2-year anniversary of the brutal dragging death of James Byrd, I rise to ask congressional leaders to let us vote on the Hate Crimes Prevention Act before we adjourn this year.

Hate crimes are meant to instill fear and that fear is not only targeted at the immediate victim of the crime, the fear is experienced by all members of the group.

Hate crimes are different from other violent crimes because they seek to terrorize an entire community. This sort of domestic terrorism demands a strong Federal response, because this country was founded on the premise that a person should be free to be who they are without fear of violence.

I know that hate crime bills cannot cure the hate that still resides within some in our country. But this legislation can provide more protection for victims and send an important message that hate crimes against any group are a serious national problem. Let us pass the Hate Crimes Prevention Act this year.

PRESERVING THE AMERICAN DREAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, imagine an American working and sacrificing their entire life, hoping to one day be able to pass the fruits of their hard work on to their family. Then imagine that after they die, the Federal Government swoops down like an enormous vulture, grabs what they have earned and saved as if it is a carcass, and tosses the remains to their relatives.

That, Mr. Speaker, is the death tax. Every year, the death tax ravages

thousands of family-owned businesses and farms to the tune of \$46 billion in tax penalties and administrative costs.

No American family should be forced to pay 60 percent of their savings and their business or their farm in taxes when a loved one dies. By repealing the death tax, we will help to preserve thousands of family-owned farms and small businesses across the country that will not have to be sold just to pay this onerous tax.

Mr. Speaker, we are not just ending a tax; we are attempting to preserve the American dream.

MILLIONS OF AMERICANS MUST CHOOSE BETWEEN FOOD OR MEDICINE

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute.)

Mr. HALL of Ohio. Mr. Speaker, last week, I went on a hunger tour in Appalachia in parts of Ohio, Kentucky, and West Virginia; and I heard about a man by the name of Tom Nelson who is one of the tens of millions of poor Americans we do not see. He was a senior citizen who worked at a food bank in Huntington.

A few months ago, the food bank was not able to pay Mr. Nelson, in large measure because it had not received funding promised by the State for nearly a year. To stretch his Social Security check, Mr. Nelson tried to stretch his blood pressure medicine. The cause of his death was listed as a heart attack, but the truth is he died trying to feed his family.

The poorest 2½ percent of Americans rank with the poorest people in the world, according to the World Health Organization. I think the only thing more shameful than that is the fact that too few of us know about people like Mr. Nelson.

Mr. Speaker, this is the People's House, and I urge all of us, including the Nation's media, to look harder for the 30 million Americans who go hungry each year, and for many more who every day must make the choice Mr. Nelson made between paying for food or paying for medicine.

NEW MEXICO FIRES AND H.R. 1522

(Mrs. CHENOWETH-HAGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH-HAGE. Mr. Speaker, at this time, devastating forest fires like this are burning vast areas in our Nation. Today, my subcommittee is having a timely joint hearing on fire management that begin on Federal lands.

Last year on this subject, I introduced H.R. 1522, which is a very simple bill designed to reduce fire risks like this in areas like Los Alamos, New Mexico, where the forest meets the town in the wildland urban interface.

Many of these forests are simply too dense, too crowded, with too many

trees, after 100 years of fire prevention, to be treated by fire alone. My bill calls for thinning of forests to make it easier and safer to allow fires naturally to return without being destructive.

On February 9, 1999, at a hearing on my bill, the Clinton-Gore administration testified against this bill. They said that these kinds of treatments of thinning were simply unnecessary. A couple of weeks ago, Secretary Babbitt held a press conference where he announced that we need a new strategy to deal with fire risks in these urban-wildland interfaces, a strategy that calls for a combination of thinning and prescribed fire. What a revelation. We need this now.

MARKING THE SECOND ANNIVERSARY OF THE MURDER OF JAMES BYRD, JR.

(Mr. DELAHUNT asked and was given permission to address the House for 1 minute.)

Mr. DELAHUNT. Mr. Speaker, I join with my colleagues in marking the solemn anniversary of the senseless murder of James Byrd. Random acts of violence have become a tragic part of modern American life, but James Byrd was not selected at random. No, he was singled out for death solely because of his race.

Just as the youngsters at the Jewish day school in Los Angeles County were singled out because of their religion. Just as Matthew Shepard and Private First Class Barry Winchell were singled out because of their sexual orientation. They were not random victims. They were targeted not because of what they did or where they were, but because of who they were.

Each of these vicious acts was intended to send a message, a message of hatred and intimidation. Well, it is time for us to send a message in response. It is time to pass the Hate Crimes Prevention Act.

□ 1030

DEATH TAX

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today we are faced with the largest tax burden since World War II and what many people do not realize is that the Federal Government is really taxing American values. A good example is the death tax.

The death tax is one of the most onerous taxes imposed by the Federal Government. It is double and triple taxation on American families' hard-earned savings. Even worse, the death tax forces grieving sons and daughters to sell family businesses or farms just to pay the tax. It is absolutely outrageous that we allow the Federal Government to do this to families.

Enough is enough. It is time to repeal the death tax and end the assault

on American values of family, hard work, savings, and entrepreneurship.

Let us bury the death tax now. By doing this, we will be giving freedom and a new birth to the next generation of families, farmers, and small business owners.

SUPPORT BIPARTISAN HATE CRIMES PREVENTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to say that an institution such as the United States Congress is judged as much for what it supports as what it opposes. It is time now for us to support the bipartisan Hate Crimes Prevention Act and to oppose the hateful acts that caused the dismemberment of James Byrd, Jr., caused the tragic killing in Illinois of Jews and Asians and African Americans, and the terrible attack on the Jewish day care center in Los Angeles. It is time for this institution to be able to say that we abhor hate crimes.

I join Senator ROBB in the offering of Senate Resolution 92 that will ask or state the sense of this House or the sense of the Senate is to oppose hateful acts, and I will offer such a resolution in this House.

Let me also end by simply saying I applaud as well on another topic Tipper Gore's message and effort to provide more mental health resources for Americans and America's children. I held a hearing in my district that indicates that children need to be listened to and heard and that children have depression and mental health needs as well.

Let us pass a bipartisan Hate Crimes Prevention Act.

BRING HATE CRIMES PREVENTION ACT TO THE FLOOR FOR DEBATE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I, too, join today in urging Congress to, not only debate the Hate Crimes Prevention Act, but pass it. We should no longer in America tolerate racial hatred, bigotry, crimes against persons because of their sexual orientation.

We are America. We are a proud country. But, regrettably, deaths like James Byrd, which occurred 2 years ago today, still occur in America, the death of Matthew Shepard, the death of so many others based on their color, their race, their ethnicity, or their orientation. Shamefully, America witnesses once again every day another dimension of killing in this country.

But only if Congress speaks loudly against violence and specifically against violence perpetrated because of hate will we only cleanse our souls and urge our Nation to move forward in a better, more positive spirit.

So I urge my leaders to consider bringing the Hate Crimes Prevention Act to the floor so that we can debate this in the well, in this Chamber, and pass it on behalf of all Americans.

HATE CRIMES PREVENTION LEGISLATION

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, hate crimes are a form of terrorism, and they demand a national response from this Congress. My own State of New York is expected to pass a hate crimes bill later today. But Congress stays silent. The Federal hate crimes bill should be marked up in the Committee on the Judiciary and debated on this floor as soon as possible. We should stand together to ensure the safety of our citizens and to punish those who terrorize large groups of people with vicious acts of hatred.

Some people say that all crimes are hate crimes, that this bill would seek to punish thoughts. That is simply not true. The bill does not create a new crime for thinking racist or homophobic thoughts, it simply strengthens laws to punish those who physically attack others based on their perceived race, religion, sexual orientation, ethnicity, disability, or gender. It punishes action and intent, not thoughts.

Hate crimes are especially odious because they victimize more than just the individual victim. They are acts of terrorism directed against an entire class of citizens. They are intended to terrify people simply because of who they are.

We should act now before new names join those of Matthew Shepard and James Byrd as victims of hate crimes. We should pass a sensible hate crimes bill this year.

PRESERVATION OF STILTSVILLE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for holding a hearing calling for the preservation of Stiltsville.

Stiltsville is a group of seven homes located south of Key Biscayne, Florida, located in my congressional district that has been part of the landscape and seascape of our young community since the 1930s.

Mother Nature has destroyed many of these homes, but now the Federal bureaucracy seeks to do what previous hurricanes have not succeeded in doing, which is to tear down these beautiful homes.

The homeowners have gathered a powerful coalition to help them with

the causes of saving Stiltsville, and they obtained over 60,000 signatures and resolutions of support from the Dade Heritage Trust, almost all of the municipalities in the Miami-Dade County, the Dade County Commission, the Florida House of Representatives, and the South Florida Congressional Delegation.

Governor Jeb Bush also supports the preservation of Stiltsville, and I thank the gentleman from Utah (Chairman HANSEN) for his help to our cause.

We will continue to negotiate with the Department of Interior on finding a solution that meets the goals of the National Park Service while saving this remarkable landmark that we call Stiltsville.

HATE CRIMES PREVENTION ACT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I am the author of the Hate Crimes Prevention Act. We have 191 cosponsors. Today is the day that marks the senseless death, lynching of James Byrd, Jr. in Jasper, Texas, when he was dragged for miles over a country road, chained by the ankles to a pickup truck. His body was shredded and ripped in the 2-hour ordeal.

Since the 2 years of his murder, the House has done nothing to address the nationwide outburst of hate violence. So my bill really should be taken up by the Committee on the Judiciary. We should stop the stalling.

We know that the year of 1999 was called the summer of hate. Events of violence have occurred throughout the country. So we cannot, as a body, dismiss these atrocities as anonymous agents of lunatics. We need a hate crimes prevention law.

SUPPORT ESTATE TAX RELIEF

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in 1978, Susan Tagera left her corporate job at IBM and decided to pursue her American dream of owning her own business, a bicycle shop. She worked real hard over the 21 years to build up this shop and get a good clientele. Unfortunately, now she has breast cancer. She has to do something about the shop. She is passing it on to her son.

Only one problem. It has got an estate tax problem. See Uncle Sam has got it so that enterprising businesswoman like Susan cannot successfully pass their business on to the next generation.

That is why we need estate tax relief so that small business owners like Susan and millions all over America and family farmers can pass on what they have worked hard and struggled for and dreamed about, just pass it on to the next generation.

At the same time, they will be economically independent so that they will not have to depend on tax dollars for their livelihood and long-term care in the future. They have become independent. Why does our Tax Code penalize them?

This week, Congress has a chance to help Susan out by voting for estate tax relief. I hope that all Members on both sides support this legislation.

HATE CRIMES LEGISLATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I listened with interest this morning to people talking about the anniversary of the BYRD death, and I started to think, why is it that we sit here in Congress and profess how far America has come, how great the prosperity is, and how we have grown economically and socially? Is it not time, then, for America to grow morally? For those who fear to answer this question, I will answer it for them. The time is now.

Over a year ago, the bipartisan Hate Crimes Prevention Act was introduced. This legislation will make it easier for Federal authorities to assist in the prosecution of racial, religious, and ethnic violence. It has been referred to a subcommittee. Why have we not done more? Instead of doing more to strengthen hate crime legislation, members of society with no sense of remorse are killing those who they believe to be inferior to them.

Most people that are born do not have anything to do with their race, not a whole lot to do with their religion because their parents are the ones who help to determine that, and certainly not their sexual orientation.

Let us move, Mr. Speaker. Let us pass this legislation.

WORKING TO SOLVE PROBLEMS WITH USE AND ABUSE OF PUBLIC LANDS

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I rise today to invite our colleagues to join with us and listen to the debate on what I think is a remarkable piece of legislation that will, I believe, significantly affect the course of public lands and legislation in America.

I want to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for his work on this bill. I encourage all of our colleagues to take a look at what we can actually do to solve the problems of use and abuse of our public lands.

SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such much time as I may consume. During consideration of this resolu-

tion, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HASTINGS of Washington. H. Res. 516 would grant an open rule waiving all points of order against the consideration of the bill, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Resources. It makes in order the Committee on Resources' amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment which shall be open for amendment at any point.

The rule also provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

□ 1045

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It also allows the chairman of the Committee of the Whole to postpone votes during the consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 3605 is to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The San Rafael region possesses many important historical, cultural, and natural resources that are representative of the American West. Its history includes influences from Native American culture, exploration, pioneering, and industrial development. The bill will provide important Federal protections, similar to heritage designation protections, to the lands designated in the bill.

H.R. 3605 would require the Secretary of the Interior, acting through the National Park Service, to establish a legacy council to furnish advice regarding management, grants, projects, and technical assistance. It would authorize the Secretary to make matching grants up to 50 percent to any non-profit organization or government unit with authority inside the legacy district's boundaries.

The bill limits appropriations to no more than \$1 million annually and \$10 million in total. The Congressional Budget Office estimates the enactment of H.R. 3605 would cost \$15 million over the 2001 to 2005 period. Pay-as-you-go procedures would not apply, and the bill contains no unfunded governmental mandates as defined in the Un-

funded Mandates Reform Act. CBO estimates that some State and local governments might incur some costs as a result of the bill's enactment, but those costs would be voluntary.

Mr. Speaker, the Committee on Resources reported the bill by a voice vote and the Committee on Rules has granted a request for an open rule so that Members wishing to offer germane amendments might have the fullest opportunity to do so. Accordingly, I encourage my colleagues to support both the rule and the underlying bill, H.R. 3605.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time, and I yield myself such time as I may consume.

This is an open rule. It will allow the House to consider H.R. 3605. This is about the San Rafael Western Legacy District and National Conservation Act.

As my colleague has described, this rule will provide 1 hour of general debate to be controlled and equally divided by the chairman and ranking minority member on the Committee on Resources.

This permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill creates the San Rafael Western Legacy District of 2.8 million acres in Emery County, Utah. The bill authorizes up to \$10 million for grants which can be used for planning, museum exhibits, preservation projects, and public facilities.

The San Rafael Swell is an area of beauty and history. It has been home to the Basketmakers, Fremont Indians and Ute Indians. The explorer, John Wesley Powell, led an expedition to the area. The famous outlaw, Butch Cassidy, once escaped into the desolate canyons there.

Because of the natural beauty of the area, it has been proposed often as a natural park. Unfortunately, the bill before us falls short of offering that kind of protection that I think this area deserves.

The bill does not effectively deal with the increasing use of off-road vehicles, which damage the soil and vegetation. The bill does not protect the water resources of the district. Even more important, the bill does not address the need to study the wilderness areas within the district.

It seems to me, Mr. Speaker, that if the Federal Government is going to provide \$10 million in grants, we should have sufficient safeguards to protect the basic historic and natural resources. But this is an open rule, and Members will have the opportunity to offer germane amendments and to improve the bill. Therefore, I will support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN), the subcommittee chairman in charge of this legislation.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and in support of H.R. 3605.

The San Rafael area of Emery County, Utah, is home to some of the most beautiful landscapes in the West. For years, the county commissioners and the Bureau of Land Management have sought to protect the lands within the San Rafael Swell. After years of controversy, literally years, 20 years possibly, the county commissioners sat down with Secretary Babbitt and his professional staff and crafted 3605.

Mr. Speaker, H.R. 3605 will protect nearly 1 million acres of Federal lands in Emery County, Utah, in a fashion that will allow wilderness, recreation, preservation, and wildlife to coexist without degrading the resource. This bill sets up a public planning process wherein all views will be considered under the National Environmental Policy Act. Moreover, this bill will further protect the wilderness study area contained within the National Conservation Area. In fact, over 600,000 acres of potential wilderness area will receive further protection from OHV use, mining and other uses which are incompatible with the area.

H.R. 3605 enjoys the enthusiastic support of Secretary Bruce Babbitt and this administration. Through months of strenuous negotiation, this consensus legislation is brought before the House on a bipartisan basis. Secretary Babbitt has stated that "the administration supports this legislation because of the additional protection it provides for important public land, including the withdrawal from mineral development and sale or exchange, restrictions on off-highway vehicle use and innovative provisions for a legacy district." In fact, the administration holds H.R. 3605 out as a model to show how we should protect these BLM lands managed under National Conservation Areas.

Mr. Speaker, I will go into greater detail in general debate on the legislation. Members are hearing from the extreme environmental groups that this is anti-wilderness legislation or some other blatant untruth such as that. The fact is that some extremists would rather raise money than solve problems to protect public grounds, and this seems to be, from sea to shining sea, the way a lot of these extremists look at it.

This legislation comes before the House with overwhelming support of the Committee on Resources, Secretary Babbitt, the administration, the governor of Utah, local elected officials, the people of Utah, sportsmen, wildlife groups, historic preservation people; and the list goes on and on. I

urge the Members to look at this legislation and see the facts and ignore the rhetoric.

Mr. Speaker, I support this rule and I urge Members to support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON), the sponsor of this important legislation.

Mr. CANNON. Mr. Speaker, I am pleased today that the House is considering H.R. 3605, San Rafael Western Legacy District and National Conservation Area Act.

As my colleagues may know, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Resources, and I have been working on this legislation since I came to Congress in 1997. We have made great progress, and I am especially pleased that the Secretary of the Interior has now shown that he is fully behind this bill. He supports the concept of this National Conservation Area, as well as the specific implementation of it, that the people of Emery County have developed.

This bill sets aside nearly 1 million acres as a National Conservation Area, withdrawn from future mining claims and providing protection for primitive and semi-primitive areas. The Secretary of the Interior, in conjunction with an advisory council, will develop a management plan for the National Conservation Area that will allow various land uses, while simultaneously preserving the natural resources of the area for future generations.

It would also place 2.8 million acres into a legacy district to be managed for the conservation of the area's historical and cultural resources, allowing management that would guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell. I am pleased to be contributing to the conservation of such a beautiful and historic area.

Negotiations have been ongoing for 3 years on this bill, and everyone from the Bureau of Land Management to the Secretary of the Interior to the county commission has agreed to its final form. Additionally, the county commissioners have presented it to as many groups as they could find to participate, and received agreement.

Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land. I am proud to offer with them and the Secretary of the Interior this bill to protect the San Rafael area. I urge my colleagues to support this rule.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 516 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3605.

□ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act sponsored by my colleague and friend, the gentleman from Utah (Mr. CANNON).

H.R. 3605 will protect for future generations the spectacular lands known as the San Rafael Swell in Emery County, Utah.

Mother Nature created this area nearly 50 million years ago with a massive geological uplift in the Earth's crust. After millions of years of erosion by water, wind, heat, and cold, the amazing high mesas, deep canyons, domes and arches of the San Rafael decorate nearly a million acres of Federal lands. The rugged nature of these lands has allowed little or no development even today.

Man first came to this area 11,000 years ago. The Fremont culture thrived and their history is written in petroglyphs and pictographs throughout the area. Spanish explorers came to this area in the mid-18th century with regular visits from American explorers in the 1850s. Brigham Young established the first permanent occupation of this area in 1877 by sending 50 hearty Mormon families to Castle Valley. These strong individuals have been prospering in this area ever since. However, the sheer cliffs, steep canyons, columns and shafts of rock have insured the preservation of the Swell for decades.

Today, Mr. Chairman, we have an opportunity to continue protecting this area with bipartisan consensus legislation. The San Rafael Western Legacy District and National Conservation Act provides important protection for these lands. H.R. 3605 contains two levels of protection: first, all of Emery County

will be designated as the Western Legacy District, where Americans will learn of the history, science, archeology, and culture of over 2.8 million acres of land.

Secondly, H.R. 3605 establishes the San Rafael National Conservation Area, which consists of nearly 1 million acres of Federal lands managed by the Bureau of Land Management.

□ 1100

Subject to valid existing rights, the entire area will be withdrawn from mining, mineral leasing, or land disposal. The Secretary is mandated to enter into a public planning process to manage the area in a manner that conserves, protects, and enhances its resources and values. Over 600,000 acres of potential wilderness will receive a higher level of protection, and recreational use will be organized and managed in a way as to prevent resource degradation.

Mr. Chairman, early this Congress I asked Secretary Babbitt to take the time to look at the San Rafael area and help us find a way to protect these lands in a manner that fits the landscape and will ensure that we can fully protect some BLM lands in Utah. Secretary Babbitt sent Molly McUsic and other staff out there and they toured the lands, heard the concerns of the people who live and work in the area; and that began months of work by many dedicated BLM staff and the Emery County commissioners and their staff.

H.R. 3605 is a result of this work and represents a consensus bill that is supported by Secretary Babbitt, the administration, the Governor of Utah, the county commission, wildlife experts, historians, and conservationists. The bill has enjoyed overwhelming support in the Committee on Resources.

Mr. Chairman, I would like to address some of the issues that Members are hearing rhetoric about surrounding this legislation. Extreme groups are claiming that this is an anti-wilderness bill because it fails to designate wilderness. As many Members know, the issue of wilderness in Utah is one of the most polarized public land issues in America. However, that debate has raged for over 20 years; and although many efforts have been made by both sides, the fact is that we have failed to protect BLM lands in Utah because of this wilderness debate.

H.R. 3605 will finally protect nearly one million acres of BLM land in central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness land. In fact, this process has resulted in further protections already. The BLM, after working with the county, recently closed OHV trails and wilderness study areas. This will ensure that these lands remain available for wilderness protection by future Congresses.

For myself, and I believe Secretary Babbitt feels the same way, we would

prefer to resolve the wilderness issue within the San Rafael area. However, that is impossible in today's climate. This legislation is a major step in the right direction. The BLM will formulate a management plan that will ensure that those lands that have wilderness qualities will be managed to protect those qualities. H.R. 3605 mandates the Secretary to manage these lands to prevent resource degradation.

Furthermore, the legislation formally recognizes that wilderness is left to future Congresses to decide how many of these million acres should be designated. This bill will ensure that these lands are protected in the future to allow for wilderness designation.

Attempts were made by some to amend the bill with wilderness designations that are reflected in legislation sponsored by my colleague the gentleman from New York (Mr. HINCHY). Wilderness designations are more complicated than simply dropping legislation that seems to ignore all the science, all the work of the BLM professionals, the views of the people of Utah, and the opinion of the Secretary of Interior.

Let us pass this bill today, protect one million acres of the BLM land, and ensure that further Congresses have the ability to designate wilderness.

Mr. Chairman, claims are being made by extreme groups that this bill fails to adequately manage off-road vehicle use within the San Rafael. I would hope that Members would actually read the bill and also recognize what actions have already been taken by the BLM.

The legislation in section 202 specifically states that use of motorized vehicles in the conservation area will be restricted to existing roads and trails. Thus, cross-country four-wheeling is prohibited by the bill.

More importantly, the legislation mandates that the BLM mapping OHV use pursuant to 43 CFR 8340. This regulation guarantees that OHV will be prohibited if vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, etc. The legislation ensures that the management plan, through a public process, will appropriately manage the activities.

Those who wish to simply prevent all OHV recreation in this area are ill-informed. Just because they prohibit this use in the law does not mean the activity will stop. The language in this bill presently was negotiated with Secretary Babbitt and is acceptable to the recreation community. We currently have agreements with all OHV users, the BLM, and the county, who will be charged with policing many of these uses.

The bill calls for regulation of OHV pursuant to the BLM's own regulations. This bill is not an attempt to micromanage these lands but to set up a planning process under NEPA where-

in all of America can be involved in the decision-making process.

Under the language in H.R. 3605, the Secretary is mandated to close any road or trail where undue problems are occurring. I urge the Secretary to exercise his authority over these regulations. The bill, as written, allows for a public process and ensures that the Secretary has the necessary tools to close roads and trails when it becomes necessary.

I urge my colleagues to defeat any attempt to change this language.

The current boundaries reflected in H.R. 3605 were drawn by Secretary Babbitt, his staff, and the professionals of BLM. There is criticism that the entire swell is not included. First, this is completely false. Who should we rely on to tell us what land should be included, the professionals at the BLM who manage these lands, or a few extreme groups who have an agenda but no responsibility for managing the lands in question?

The boundaries are drawn just like every other provision of this bill. They have been worked out with the Secretary and professionals. There is room for some tinkering around the edges, and we attempted to work with the minority to make some of the changes they sought. However, as with many of these issues, it was an all-or-nothing proposition.

If the Secretary and the county would not agree to all of their wants, there would be no negotiations. And that is the hallmark of these groups. The boundaries in H.R. 3605 make geographical and management sense and they include those lands worthy of protection. This House should respect the professional judgment of our Federal land managers and keep the boundaries as reflected in the bill.

The San Rafael area is a desert. There has been some misinformation floating around about the fact that this bill does not protect the water of this area. The fact is there are only two bodies of water in the whole conservation area. One is the San Rafael River. This river begins with the conservation area and is currently protected because the State holds an in-stream flow right in perpetuity on the river. Thus, the Federal-reserved water right is simply not necessary. No water will be diverted, no dams will be built, no pipes, nothing. The State holds all the rights for conservation purposes.

The second body of water is an intermittent stream called Muddy Creek. H.R. 3605 mandates that the Secretary shall enter into agreements with the State to ensure that these waters are preserved.

The language in the bill was heavily debated with Secretary Babbitt and the Solicitor's office, and all parties are comfortable with this language. The bill further protects the small amount of water in this area. I urge my colleagues to defeat any efforts to amend this language.

Mr. Chairman, H.R. 3605 is progressive conservation legislation that will

protect nearly one million acres of Federal land. Every word of this legislation has been fully agreed to by Secretary Babbitt and the administration. We have sat down at the table, and this is a bipartisan measure that deserves our full support.

I urge the Members to ignore the rhetoric of the extreme groups and look at the hard work of the Secretary and the gentleman from Utah (Mr. CANNON) who have put this legislation together. I urge my colleagues to defeat destructive amendments designed to kill this effort, and I urge support for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the sponsor of the bill.

Mr. CANNON. Mr. Chairman, as we begin debate on H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act, I first would like to thank the gentleman from Utah (Mr. CANNON), our subcommittee chairman, for his work and commitment to this legislation.

Emery County and the State of Utah do not have a stronger voice in this body than the gentleman from Utah (Mr. HANSEN). His continued dedication and unyielding support for this and other land management initiatives will finally prove successful in H.R. 3605. The gentleman from Utah (Chairman HANSEN) successfully shepherded this legislation through the committee process, and his efforts have given us a very strong, effective, and balanced bill.

In addition, I would like to acknowledge the efforts of Emery County Commissioner Randy Johnson and thank him. He has been tireless in his 3-year campaign to protect and preserve the San Rafael Swell. But for the dedication and devotion of Randy to this crusade, we would not all be here today. The people of Emery County should be proud to have such a hard-working public servant.

As many of our colleagues know, we have been working on this project to protect the San Rafael Swell for over 3 years. This legislation sets up a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid and many, many others of the famous western outlaws.

Over the last 3 years, people in Emery County, Utah, the off-road vehicle users, the sportsmen, and others came together with county officials, landowners, and the Bureau of Land Management to approve this plan.

The San Rafael Western Legacy District and Conservation Area Act would place 2.8 million acres into a Legacy District to be managed for the conservation of the region's historical and cultural resources.

Similar to a National Heritage Area, this designation would allow the people of Emery County to invest in the protection of their diverse cultural, archaeological, and natural assets. Additionally, they will be able to better manage the many tourists who now strain the region's tourism infrastructure, providing the tourists with a more enjoyable visit and the region with a sustainable economy.

Additionally, this bill will set aside almost a million acres as a national conservation area, withdrawn from future mining claims and closed to cross-country vehicle travel.

The Secretary of Interior, in conjunction with an advisory council, will develop a management plan for the national conservation area that will provide for various lands uses and that the preservation of these amazing natural resources for future generations. This is an amazing area that is sorely in need of protection, and the national conservation area will provide that in a flexible context that incorporates the views of those closest to the land.

We, as Americans, are united in our love for our public lands and our desire to use them appropriately. I introduced this bill to preserve a beautiful and historic part of the State of Utah while taking into account the local economy. It provides a process for managing the land and providing access for people who come to enjoy it.

This bill represents a breakthrough in land management policy for the western United States. It gives the proper weight for citizen input in balancing wilderness preservation, commercial use, and recreation. It proves that consensus can be achieved from the ground up, rather than from the top down.

Today we have an opportunity to pass landmark legislation to protect and conserve the historical and cultural values of one of the most beautiful and pristine areas in the Union. We have come a long way in our discussions by crafting legislation that is supported by the administration, the local officials, and outdoor enthusiasts. This area is experiencing record visitation, and the time to establish adequate protections is now.

I urge my colleagues to support H.R. 3605 and preserve these lands for generations to come.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), my friend.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in support of H.R. 3605.

Mr. Chairman, I have negotiated with the gentleman from Utah (Chairman HANSEN) to prepare some amendments that will further clarify and improve the bill. But even in its current form, I support the general thrust of the bill,

as does the Secretary of the Interior, Bruce Babbitt, with whom we have been in contact this morning.

H.R. 3605 is the product of lengthy negotiations between local officials in Utah and officials of the Department of the Interior, including, as I mentioned, Secretary Babbitt.

These two sets of officials, representing local and national interests, agreed to wade into a protracted and politically thorny set of land use issues to put aside years of acrimony, to break a draining, pointless, ideological stalemate by working out practical, helpful compromises. And to just about everyone's amazement, they succeeded.

I believe these local and Federal officials of both political parties deserve to be rewarded for their success, not snubbed. The negotiations that produced this bill should be a precedent for resolving land use disputes. That does not mean that every dispute will be resolved or that every resolution will merit congressional support. But thoughtful, carefully worked out resolutions like this one concerning the San Rafael Swell have earned our support.

□ 1115

Does this bill successfully dispose of every issue the way I would most prefer? No, of course not. But this is a case where an old congressional saying is quite appropriate: "Let's not make the perfect the enemy of the good."

To those who believe that more land should be protected more fully than this bill allows, I say there is nothing in the bill that would block consideration of further land protection at a later date. But this bill will protect the bulk of the San Rafael Swell right now. To those who want greater restrictions on off-highway vehicles, I say the management plan or later laws can impose even further limitations. But this bill will codify significant restrictions on off-highway vehicle use right now. So we need to act right now to increase the protections for the San Rafael area. That is good for the environment.

The amendments I have worked out will make the bill better for the environment by expanding the boundaries of the conservation area, clarifying the restrictions on off-highway vehicles and ensuring that land in the conservation area remains at least as protected as it is right now.

I urge my colleagues to support H.R. 3605 as a bipartisan step forward in protecting our lands in the West for all Americans.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I regret that this bill is before the House today because I do

not think it is ready for this prime time appearance. By that I do not mean that the bill is all bad. It does have some positive aspects. And I do not mean that the sponsors are not serious when they say that they want to improve the management of this special part of the public lands. I know they are sincere and I respect their efforts. What I do mean is that the bill still has several serious flaws. We should have fixed those flaws when we considered the bill in the Committee on Resources, but that did not happen. We should have revised the bill so that it would cover the entire San Rafael Swell area, but we did not. We should have provided the BLM with all the tools it needs to protect the resources and values of these public lands that have been shaped by the forces of wind and water, but we did not do that, either. And we should have made the bill truly wilderness neutral by providing at least interim protection for the wilderness resources of these lands. Again, we did not do that in the committee.

So here we are with a bill that falls short. We will be considering some amendments to try to do at least part of the work that we could have done in the committee. Those amendments deserve approval. But unless the bill's flaws are corrected, it should be rejected so that we can start again in the Committee on Resources and do the job right the next time.

Mr. Chairman, I include the following for the RECORD:

ENVIRONMENTAL DEFENSE, WESTERN
WATER PROJECT—TROUT UNLIMITED,
LAND AND WATER FUND OF
THE ROCKIES,

June 5, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: We are writing about H.R. 3605, the San Rafael Western Legacy District and National Conservation Act, that was reported out of the Resources Committee, as amended, on May 16, 2000. Environmental Defense and Trout Unlimited have not been a part of the negotiations and debate that surround this legislation, and we are not in a position to express a general position on that legislation. However, we have been made aware of this legislation's water rights provision and have carefully reviewed that legislation language. We have very serious concerns about this provision. We do not believe that its terms will permit the Bureau of Land Management to protect and conserve the water-related resources of the San Rafael Swell. And we are gravely concerned about the precedent that this legislation likely will set. Thus, we urge you to insist that this legislative provision be removed or substantially strengthened.

I. GENERAL COMMENTS

By way of background, we note that H.R. 3605 withdraws those lands within the proposed national conservation area from disposal under the public lands laws. That is certainly a positive step forward. However, we also note that H.R. 3605, both as introduced and as amended, expressly disclaims either an express or implied federal reserved water right. This is a dramatic departure from the general approach that the Congress has taken when it reserves lands either for wilderness or for national conservation

areas. For example, section 201(f) of the Arizona Desert Wilderness Act (which dealt with Bureau of Land Management lands) both effected a reservation of water sufficient to fulfill the purposes of the reservation and directed the Secretary to take all necessary steps to protect those rights. Section 706 of the California Desert Protection Act of 1994 and section 8 of the Nevada Wilderness Protection Act of 1989 were to like effect. Similarly, when it established the El Malpais National Conservation Area, the Congress expressly reserved water to carry out the purposes of the national conservation area. And when Congress established the San Pedro Riparian National Conservation Area, the Congress expressly reserved a quantity of water sufficient to fulfill the purposes of the national conservation area. 16 U.S.C. §460XXX.

Admittedly, in individual cases the Congress has seized upon an alternative strategy to protect and conserve the water-related resources within a reservation. The Colorado Wilderness Act of 1993 is perhaps the best example of such an approach. The water rights language in that legislation established a model for providing a high level of protection for water-related resources within a reservation without resort to a reserved right. However, the water rights language approved by the Resources Committee for the San Rafael Swell would neither effect a reserved right nor establish an alternative approach for protecting water-related resources. Instead, the Resource Committee's amended bill would effectively abdicate the United States' responsibility for protecting and conserving water and water-related resources within the Swell. We believe that would be a serious error.

II. SPECIFIC COMMENTS

Set out below are our more specific comments on the water provisions added to the bill during Resource Committee markup:

A. Water rights already have been appropriated. Subsection (k) of the amendment avers that available water resources within the external boundaries of the conservation area already have been appropriated. While we do not have the information to determine whether that is an accurate statement, we will assume for the sake of argument that it is; most river basins in the West would fit within that general description. But even if this is an accurate description, it is not a sufficient basis to both disavow a reserved right and fail to adopt an equally effective alternative for the protection of water resources within the national conservation area. We should start with the fundamentals. And the fundamentals are that those of us who have visited the Swell, as you perhaps have, know that at certain times of the year there is abundant water in the water courses that arise upon or flow through the proposed national conservation area. And of course, the riparian vegetation that adjoins those watercourses is dependent upon those flows. But the assertion that water resources within the basins that will, in whole or in part, be encompassed by the national conservation area are appropriated is not necessarily in conflict with the presence of flowing and standing water within the proposed national conservation area. Neither is a sufficient argument to disclaim not only a reserved right but even a meaningful alternative for protecting water resources within the proposed national conservation area.

It may be that water storage projects upstream of the proposed national conservation area are not capable of capturing the entire flow of the streams during heavy rains or during the spring. It may be that the water rights upstream of the proposed national conservation area are unperfected and may,

or may not, ever be made absolute. It may be that upstream appropriators are simply unable, at this time, to make full use of the waters that arise upon or flow through the national conservation area. Thus, there may be water that is available for a junior appropriation even though the area appears fully appropriated.

B. No express or implied reservation of water. The water provisions in the committee amendment do preserve pre-existing valid existing water rights. However, there is no evidence in the record that we have seen to suggest that the Bureau of Land Management possesses existing water rights adequate to protect water-related resources within the national conservation area. Moreover, as noted above, subsection (l) of the water provisions added during committee markup expressly disclaims either an express or implied federal reserved water right. This is a deeply troubling precedent. But notwithstanding the claim that is routinely made in legislation such as this that water provisions are not intended to create a precedent, our own experience had disapproved any such claim. If the Congress follows this course, this legislation language inevitably will become the template for future legislation. That would be a tragic mistake. Although western interests have been hostile to federal reserved and non-reserved rights for over a century, these tools have been indispensable to the protection of water resources on reservations created on the public land.

If this legislation instead adopted the course traveled by so many other public lands statutes, the Secretary would have the ability to file for a water right to protect the Swell's water resources. Admittedly, the water right would be junior to all pre-existing water rights. Nevertheless, such a water right would enable the Secretary to prevent senior water rights from being changed or expanded if such actions would "injure" the junior reserved right. Similarly, the existence of a reserved right, however junior, would permit the Secretary to protect water resources within the Swell from injury by over-use of water upstream of the national conservation area (either through diversions in excess of upstream rights, or by over-application of water to a beneficial use). In the absence of a reserved right, the Secretary will be seriously challenged in his or her ability to address problems such as these. Indeed, we believe future Secretaries will be entirely disabled from effectively dealing with issues such as this. At the same time, without a reserved or nonreserved right (both of which appear to be foreclosed by this legislation), the Secretary may well discover ten or twenty years in the future that he or she is unable to secure adequate water supplies even to serve the visiting public at visitors centers, campgrounds, and similar facilities.

C. No other authority for water resources. The most troubling part of the amendment is the provision directing that if the United States determines it needs additional water resources, it must attempt to work with a state agency that is eligible to hold instream flow water rights in order to acquire such rights in accordance with state water law. But under Utah state law, only the state may hold an upstream water right; neither an individual nor a federal agency can acquire an instream flow right. Moreover, and even more troubling, Utah state agencies may only convert existing water rights to instream flows; there is no statutory basis that would enable even a state agency to file a new, junior appropriation for an instream flow within the national conservation area. Ut. Rev. Code §73-3-3. The current bill language thus creates a chimera for protection

of instream values. Worse, it would preclude entirely the Secretary from obtaining any right to divert water for other legitimate governmental uses associated with the conservation area, such as providing water for fire protection.

III. SUMMARY

This legislation, as it currently stands, would tie the hands of the United States. The Bureau of Land Management would lack the tools that are needed to protect valuable resources within this reservation. Indeed, this legislation effectively abdicates the federal government's responsibilities in that regard. Those of us who have visited the Swell, as you have, know full well that the Swell is an extraordinary place. It is a place that was shaped by the forces of wind and water. Whatever the other merits of this proposal may be, it would be a tragic mistake to accept a legislative proposal that contains this sweeping precedent on water resources. We urge you to insist that this provision be removed or substantially strengthened.

Respectfully,

JAMES B. MARTIN,

Senior Attorney,

Environmental Defense.

MELINDA KASSEN,

Director, Colorado Office,

Western Water Project, Trout Unlimited.

DANIEL LUECKE,

Senior Scientist/Regional Director,

Environmental Defense.

BRUCE DRIVER,

Executive Director,

Land and Water Fund of the Rockies.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset of this debate that the gentleman from Utah has worked very, very hard on this legislation; and I think any of us who are familiar with these issues in the West recognize the controversy that they provoke. As many of us are also aware, the controversy goes on for a considerable period of time. In this particular area, we have had controversy and discussions since the 1930s about what to do in the San Rafael area. This legislation deals with the San Rafael Swell, which is an incredible dome of uplifted sedimentary rock that rises some 1,500 feet above the surrounding desert measuring 50 miles long and 30 miles wide. This is an area that those who may be familiar with the area recognize is sheer-walled cliffs and twisting canyons with incredible mesas and buttes. This is the incredible beauty of this area of the West, this area of Utah; and that is why it has been an area of such great controversy because there are those who live there and make their livelihood there. There are those who want to protect it in the highest form of protection we can provide as a national treasure, and there are those who simply want to drive by and look at it as part of their summer vacation. It is a dramatic area, it is a beautiful area, and it clearly has resources and values and assets that are on a par with Arches, Canyonlands and Zion National Parks.

This is not a minor piece of legislation. This is dealing with one of the great environmental assets in this Nation. But again it is also that fact that

makes this legislation so controversial and even the discussion of the parts of this legislation is controversial. The gentleman from Utah has worked hard with the community in trying to develop a consensus and worked with the Secretary of Interior as he pointed out over many, many months recently to see whether or not they could come up with a legislative package that addressed all of their needs. I am sad to say that I do not believe that they have yet arrived at that package, that this legislation has a number of flaws that need to be corrected. We repeat some mistakes that we know have turned out to be very costly from the past, and, that is, when we start setting environmental and ecological boundaries that are based upon political jurisdictions and political decisions that follow existing roads or follow existing section lines or follow existing political boundaries of counties or townships, that we very often make a terrible mistake because that does not reflect the true protection of the environmental assets, it does not reflect the movement of wildlife, it does not reflect the expanse of habitat, it does not reflect necessarily the corridors that are needed for wildlife to move during different seasons and wet and dry periods of the year.

Yet in this legislation once again we see that almost the entire southern boundary here is based upon a county line. As we know, as we struggled with the issues surrounding Yellowstone Park and other preserves in this country, those old decisions that were made in that fashion have turned out to be very bad for the protection and the conservation of those resources. I think that we even see in areas where we would be considering wilderness protection, protection of those assets in some cases, the boundaries here split those in two without taking that into consideration.

The same is true with known wildlife habitat. I also think that we make the mistake in this legislation in not addressing the need for wilderness area. I appreciate the controversy that that raises in the West when discussing the wilderness area, and our committee from time to time has tried to work around that area; but to simply set these up as conservation areas is to allow a whole range of activities in those areas that then later work against the qualification of those areas for wilderness areas, whether it is communication towers, whether it is roads, those kinds of uses that then people use as evidence to say, Well, you can't consider this a wilderness area.

So a great deal of damage can be done to the wilderness areas and the potential for wilderness protection if in fact we do not arrive at that level of protection. We have studied this, we have had a number of wilderness assessments done in this State, most recently several years ago, and clearly have identified these areas. There will be amendments on the floor to estab-

lish this as a wilderness area or a wilderness study area. I think the Members ought to give serious consideration to that.

The other one is, there has been a tragic history here of really irresponsible off-the-road vehicle use. Clearly that is one of the uses of lands in many parts of the West. It is very controversial. Some people adamantly disagree with it and do not believe there should be any ORV use. I do not think that is realistic necessarily, or appropriate or necessary; but what we do have to have is responsible policies. In the past, this area has been closed because of those irresponsible policies and now simply to engage and let those people continue this for another 4 years I think is a mistake and again fails to recognize what we have learned from the past management of this land. We would in effect be codifying the same BLM regulations that have failed to protect this area.

We also have the problem of creating something called the Western Legacy District. We do not know what a Western Legacy District is; we do not know what values it is there to protect. It appears that apparently this county has determined that. I think if we were looking for historical assets or whatever the basis is or environmental assets, we might find others that are more worthy of that designation. Clearly some definition, some protection of both the areas and of the taxpayer ought to be written into this legislation.

I am also deeply concerned, again this is a controversial area in the West, about the issues of Federal reserve water rights. Here the Secretary apparently turned over whatever would be a federally reserved water right to the States, the State of Utah; but that does not provide for the kinds of protections necessary to protect the full range of a Federal asset here because it is a rather limited water right that the State has for conservation based mainly on wildlife and puts the State in the position of negotiating with its own citizens who may want to make withdrawals and consumptive use of this water. I know this is controversial, but we should be protecting these Federal assets to the full extent of the law and the need of the area; and if we start just continuing to take consumptive use upstream from this area, we then denigrate the environmental values and assets of this area. Clearly, I think the Secretary has made a mistake on the Federal reserve water rights.

There will be amendments offered after the general debate on these areas. I would hope Members would support the amendments by the gentleman from Colorado (Mr. UDALL), the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE), and the gentleman from New York (Mr. HINCHEY) because I do believe that they strengthen this bill; and most importantly they provide the kind of protection that the people of

this Nation are entitled to for environmental assets that are as magnificent as the San Rafael Swell and the surrounding areas.

Mr. FALEOMAVEGA. Mr. Chairman, I rise today in support of H.R. 3605, the San Rafael Western Legacy Act. This bill does not do all I would like it to do, but having seen the stalemate which has existed for decades, I believe it is time to move forward.

Mr. Chairman, in the 105th Congress, as the ranking member on the Subcommittee on National Parks and Public Lands, I went to Southern Utah more than once and spent some time traveling the area to better understand the national and local issues involved. As noted by my colleagues, this truly is a unique area which deserves protection. On that there is agreement. As we have seen this afternoon, the problem arises in what level of protection do we afford, and how much area do we protect.

I do not see this bill as the end of wilderness protection in the State of Utah—rather I see it as a first step. I am glad to see that the Administration was able to reach a compromise with the Representatives from this area, and I urge my colleagues to support this compromise bill.

Ms. DEGETTE. Mr. Chairman, there is no question in my mind that the stunning landscape of the San Rafael Swell with its multi-colored sandstone exposed in deep canyons should be protected. The question before us today is, does this legislation offer that protection? Unfortunately, the answer is no. Therefore, I rise in opposition to H.R. 3605 because it fails to protect and preserve the unique beauty that this wild area of Utah deserves.

While I adamantly support the strongest protection possible for the San Rafael Swell in Utah, and have cosponsored the "America's Redrock Wilderness Act," H.R. 3605 provides inadequate protection for these lands. This legislation creates the "San Rafael Western Legacy District," a vague moniker that falls short of the real protection this land merits.

How can this land be protected by legislation that does not address the rampant off-road vehicle use, which poses the gravest risk to this land? How can this land be preserved for generations when this legislation fails to designate a single acre as a wilderness study area, much less declare any land as wilderness? How can this ecosystem be protected by legislation that does not address the issue of water rights?

Terry Tempest Williams wrote that these lands "swing the doors of our imagination wide open." It is passed time to protect these treasured lands and ensure they remain wild and free before they slip away from us forever.

Mr. GEORGE MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Rafael Western Legacy District and National Conservation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **CONSERVATION AREA.**—The term "Conservation Area" means the San Rafael National Conservation Area established by section 201.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **WESTERN LEGACY DISTRICT.**—The term "Western Legacy District" means the San Rafael Western Legacy District established by section 101.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) **IN GENERAL.**—In order to promote the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah, as well as the economic viability of rural communities in the region, there is hereby established the San Rafael Western Legacy District, to include the San Rafael National Conservation Area established by section 201.

(b) **AREAS INCLUDED.**—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the County of Emery, Utah, as generally depicted on the map entitled "San Rafael Western Legacy District and National Conservation Area" and dated _____.

(c) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Western Legacy District. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of the Land Management in Utah.

(d) **LEGACY COUNCIL.**—

(1) **IN GENERAL.**—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District. The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(2) **MEMBERSHIP.**—The Legacy Council shall consist of not more than 10 members appointed by the Secretary. Two members shall be appointed from among the recommendations submitted by the Governor of Utah and 2 members shall be appointed from among the recommendations submitted by the Emery County Commissioners. The remaining members shall be persons recognized as experts in conservation of the historical, cultural, natural, recreational, archeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(3) **RELATIONSHIP TO OTHER LAW.**—The establishment and operation of the Legacy Council established under this section shall conform to the requirement of the Federal Advisory Committee Act (5 U.S.C. App.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) **ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may make grants and provide technical assistance to ac-

complish the purposes of this section to any nonprofit or unit of government with authority in the boundaries of the Western Legacy District.

(2) **PERMITTED USES.**—Grants and technical assistance made under this section may be used for planning, reports, studies, interpretive exhibits, historic preservation projects, construction of cultural, recreational, educational, and interpretive facilities that are open to the public, and such other expenditures as are consistent with this Act.

(3) **PLANNING.**—Up to \$100,000 of amounts available to carry out this section each fiscal year, up to a total amount not to exceed \$200,000, may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah for use for planning activities.

(4) **MATCHING FUNDS.**—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with such funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); and

(B) use of assistance under this section for facilities located on public lands and that are owned by the Federal Government.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated under this section not more than \$1,000,000 annually for any fiscal year, not to exceed a total of \$10,000,000.

SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) **IN GENERAL.**—The Secretary, through the Bureau of Land Management and subject to all valid existing rights, shall administer the public lands within the Western Legacy District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.). The Secretary shall allow such uses of the public land as the Secretary determines will further the purposes for which the Western Legacy District was established.

(b) **FISH AND WILDLIFE.**—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife within the Western Legacy District.

(c) **PRIVATE LANDS.**—Nothing in this Act shall be construed as affecting private property rights within the Western Legacy District.

(d) **PUBLIC LANDS.**—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) **PURPOSES.**—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the Western Legacy District and the public lands described in subsection (b), including historical, cultural, natural, recreational, scientific, archeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources, there is hereby established the San Rafael National Conservation Area in the State of Utah.

(b) **AREAS INCLUDED.**—The Conservation Area shall consist of approximately 947,000 acres of public lands in the County of Emery, Utah, as generally depicted on the map entitled "San Rafael Western Legacy District and National Conservation Area" and dated _____. Notwithstanding any depiction on such map, the boundary of the Conservation Area shall be set

back 300 feet from the edge of the Interstate 70 right-of-way and 300 feet from the edge of the State Route 24 right-of-way.

(c) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Conservation Area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in Utah.

SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) **MANAGEMENT.**—The Secretary, acting through the Bureau of Land Management, shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including those resources and values specified in section 201(a), and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law, including this Act.

(b) **USES.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(c) **VEHICULAR USES.**—

(1) **IN GENERAL.**—Except where needed for administrative purposes or to respond to an emergency, and subject to paragraph (2), use of motorized vehicles in the Conservation Area shall be—

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) limited to roads and trails that—

(i) existed as of February 2, 2000; and

(ii) are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f); and

(C) managed consistent with section 8340 of title 43, Code of Federal Regulations (relating to designating public lands as open, limited, or closed to the use of off-road vehicles and establishing controls governing the use and operation of off-road vehicles in such areas).

(2) **LIMITATION ON APPLICATION.**—(A) Subparagraphs (A) and (B) of paragraph (1) do not limit the provision of reasonable access to private lands or State lands within the Conservation Area.

(B) Any access to private lands or State lands pursuant to subparagraph (A) of this paragraph shall be restricted to exclusive use by, respectively, the owner of the private lands or the State.

(d) **WITHDRAWALS.**—

(1) **IN GENERAL.**—Subject to valid existing rights and except as provided in paragraph (2), all Federal lands within the Conservation Area and all lands and interests therein that are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto. Nothing in this paragraph shall be construed to effect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(2) **COMMUNICATION FACILITIES.**—The Secretary may authorize the installation of communications facilities within the Conservation Area, but only to the extent that they are necessary for public safety purposes. Such facilities must have a minimal impact on the resources of the Conservation Area and must be consistent with the management plan established under subsection (f).

(e) **HUNTING, TRAPPING, AND FISHING.**—Hunting, trapping, and fishing shall be permitted within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Utah, except that the Utah Division of Wildlife Resources, or the Secretary after consultation with the Utah Division of Wildlife Resources, may issue regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(f) **MANAGEMENT PLAN.**—Within 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area. The plan shall describe the appropriate uses and management of the Conservation Area consistent with the provisions of this Act. The plan shall include, as an integral part, a comprehensive transportation plan for the lands within the Conservation Area. In preparing the transportation plan the Secretary shall conduct a complete review of all roads and trails within the Conservation Area. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the Conservation Area.

(g) **STATE TRUST LANDS.**—The State of Utah and the Secretary may agree to exchange Federal lands, Federal mineral interests, or payment of money for lands and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration and inheld within the boundaries of the Conservation Area.

(h) **ACCESS.**—The Bureau of Land Management, the State of Utah, and Emery County may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(i) **WILDLIFE MANAGEMENT.**—Nothing in this Act shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(j) **GRAZING.**—Where the Secretary of the Interior currently permits grazing, such grazing shall be allowed subject to all applicable laws, regulations, and executive orders.

(k) **NO BUFFER ZONES.**—The Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(l) **WATER RIGHTS.**—Because the available water resources in the drainage basins included in part within the exterior boundaries of the Conservation Area have already been appropriated—

(1) nothing in this Act, the management plan required by subsection (f), or any action taken pursuant thereto, shall constitute either an express or implied reservation of surface or ground water;

(2) nothing in this Act affects any valid existing water rights in existence before the date of enactment of this Act, including any water rights held by the United States; and

(3) if the United States determines that additional water resources are needed for the purposes of this Act, the United States shall work, with or through any agency that is eligible to hold instream flow water rights, to acquire such rights in accordance with Utah State water law.

(m) **WILDERNESS ACTS.**—Nothing in this Act alters the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as they pertain to wilderness resources

within the Conservation Area. Recognizing that the designation of wilderness areas requires an Act of Congress, the Bureau of Land Management, the State of Utah, Emery County, and affected stakeholders may work toward resolving various wilderness issues within the Conservation Area.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title such sums as may be necessary.

The CHAIRMAN. The amendment printed in House Report 106-654 shall be considered read and shall not be subject to amendment or to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106-654 offered by Mr. HANSEN:

In section 101(b), strike “2,842,800” and insert “2,859,100”.

In section 101(b), strike “dated” and all that follows through the period and insert “dated March 24, 2000.”.

In section 201(b), strike “947,000” and insert “958,600”.

In section 201(b), strike “dated” and all that follows through the first period and insert “dated March 24, 2000.”.

Mr. HANSEN. Mr. Chairman, this is a technical amendment containing the more exact acreage measurements according to the official BLM map dated March 24, 2000. According to the map dated March 24, 2000, the acreage changes are from 2,842,800 to 2,859,100. That is on page 2, line 26; and from 947,000 to 958,600 on page 7, line 15.

Mr. Chairman, this is a non-controversial amendment. I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT OFFERED BY MR. HANSEN

Mr. BOEHLERT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT to the amendment offered by Mr. HANSEN:

In the first amendment to section 201(b), strike “958,600” and insert “1,052,800”.

In the second amendment to section 201(b), strike “March 24, 2000” and insert “June 6, 2000”.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the

amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1130

Mr. BOEHLERT. Mr. Chairman, this is an amendment that has been negotiated with the gentleman from Utah (Mr. HANSEN) and the gentleman from Utah (Mr. CANNON). The amendment would expand the boundaries of the San Rafael Conservation Area to include parts of the Factory Butte and Muddy Creek areas in Wayne County. These are areas that, appropriately, environmental groups have been most interested in protecting and so am I, and thus this amendment.

I know that some Members and outside groups would like to include even more terrain in the Conservation Area. But this is the most we can get right now without destroying the fragile coalition that reached the agreement that is embodied in this bill. There is nothing in the bill that prejudices or prevents any decision to add further territory later on.

So I urge support for this amendment, which will extend the protection of this bill to two key scenic areas. Let us make the San Rafael Conservation Area as large as we can right now for the protection of the environment and the enjoyment of all Americans.

Mr. Chairman, I urge adoption of my amendment.

Mr. HANSEN. Mr. Chairman, I rise in support of the Boehlert amendment.

Mr. Chairman, I appreciate the gentleman from New York (Mr. BOEHLERT), his excellent efforts to include these areas. Maybe this technically is out of the San Rafael Swell, but, frankly, no one really knows what the San Rafael Swell is anyway. But as far as we can tell, this expands it, rather substantially in the areas of Factory Butte, which is absolutely a fantastic beautiful monument all by itself and also Muddy Creek.

And, in my opinion, this will make the bill substantially better, and on top of that, it should negate many of the arguments that have been coming up in the last little while that we have not gone far enough. This does expand it, and I agree with the gentleman from New York (Mr. BOEHLERT), let us do it now and get it done. So I think that probably ends most of the arguments that should be brought up regarding the expansion of the San Rafael Swell. And I support the gentleman's amendment to my amendment.

Mr. CANNON. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, first, I would like to thank the gentleman from New York (Mr. BOEHLERT) for his involvement and effort on this issue. Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land.

Each time that we considered a change, they have gone out of their way to accommodate the proposals. In fact, a couple of weeks ago, one of our county commissioners flew out there at great expense to negotiate language changes. He then flew back to Utah to present to a neighboring county, that is Wayne County, the expansion of the boundaries of the National Conservation Area to include such areas as Factory Butte, which, by the way, is really a beautiful area.

Although the Secretary of the Interior felt comfortable with the current boundaries, Commissioner Johnson negotiated in good faith to include more land in the National Conservation Area. Even this new county, Wayne County, was willing to work with us and developed an excellent offer to expand the boundaries.

The language that Mr. BOEHLERT is offering is this compromised language, which continues, in the spirit of this bill, to accommodate all parties.

Mr. Chairman, I urge all Members to support this amendment to Mr. HANSEN's amendment.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the gentleman from New York (Mr. BOEHLERT) to expand the boundaries of the San Rafael Western Legacy District. I commend my colleagues, the gentleman from Utah (Mr. HANSEN), the gentleman from Utah (Mr. CANNON), for accepting this southern boundary addition.

The underlying bill would have fragmented fragile ecosystems and excluded several wildland areas. The amendment of the gentleman from New York (Mr. BOEHLERT) will bring spectacular parts of the San Rafael Swell's southern wilderness landscape into the protection of the Western Legacy District. Places like Factory Butte, pictured behind me, and Red Desert will now be preserved for generations. More importantly, the new boundary now will make scientific and ecological sense.

Mr. Chairman, I urge my colleagues to support this amendment and protect these southern Utah wildlands; and if some additional amendments can be achieved, I can even see myself supporting the underlying bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) to the amendment offered by the gentleman from Utah (Mr. HANSEN).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, offered by the gentleman from Utah (Mr. HANSEN), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

At the end of the bill, add the following new title:

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the "San Rafael Swell Region Wilderness Study Act of 2000".

SEC. 302. DESIGNATION.

(a) IN GENERAL.—In order to maintain the options of Congress with regard to possible future designation of lands as wilderness, certain public lands in Utah, comprising approximately 1,054,800 acres as generally depicted on a map entitled "Proposed Wilderness within San Rafael Swell Region" and dated March, 2000, and as specified in subsection (b) of this section, are hereby designated as wilderness study areas.

(b) WILDERNESS STUDY AREAS.—The areas designated as wilderness study areas by subsection (a) are as follows:

(1) The lands identified as "Sids Mountain" and "Eagle Canyon" on the map referred to in subsection (a), comprising approximately 112,000 acres, which shall be known as "Sids Mountain-Eagle Canyon Wilderness Study Area".

(2) The lands identified as "Mexican Mountain" on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as "Mexican Mountain Wilderness Study Area".

(3) The lands identified as "Muddy Creek" on the map referred to in subsection (a), comprising approximately 235,000 acres, which shall be known as "Muddy Creek Wilderness Study Area".

(4) The lands identified as "Wild Horse Mesa" on the map referred to in subsection (a), comprising approximately 91,000 acres, which shall be known as "Wild Horse Mesa Wilderness Study Area".

(5) The lands identified as "Factory Butte" on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as "Factory Butte Wilderness Study Area".

(6) The lands identified as "Red Desert" and "Capital Reef Adjacent Units" on the map referred to in subsection (a), comprising approximately 40,000 acres, which shall be known as "Red Desert Wilderness Study Area".

(7) The lands identified as "Price River-Humbug" on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as "Price River-Humbug Wilderness Study Area".

(8) The lands identified as "Lost Spring Wash" on the map referred to in subsection (a), comprising approximately 35,000 acres, which shall be known as "Lost Spring Wash Wilderness Study Area".

(9) The lands identified as "Mussentuchit Badlands" on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as the "Mussentuchit Badlands Wilderness Study Area".

(10) The lands identified as "Rock Canyon" on the map referred to in subsection (a), comprising approximately 17,000 acres, which shall be known as "Rock Canyon Wilderness Study Area".

(11) The lands identified as "Molen Reef" on the map referred to in subsection (a), comprising approximately 33,000 acres, which shall be known as "Molen Reef Wilderness Study Area".

(12) The lands identified as "Limestone Cliffs" on the map referred to in subsection (a), comprising approximately 24,000 acres, which shall be known as "Limestone Cliffs Wilderness Study Area".

(13) The lands identified as "Jones Bench" on the map referred to in subsection (a),

comprising approximately 2,800 acres, which shall be known as "Jones Bench Wilderness Study Area".

(14) The lands identified as "Hondu Country" on the map referred to in subsection (a), comprising approximately 20,000 acres, which shall be known as "Hondu Country Wilderness Study Area".

(15) The lands identified as "Devil's Canyon" on the map referred to in subsection (a), comprising approximately 23,000 acres, which shall be known as "Devil's Canyon Wilderness Study Area".

(16) The lands identified as "Upper Muddy Creek" on the map referred to in subsection (a), comprising approximately 19,000 acres, which shall be known as "Upper Muddy Creek Wilderness Study Area".

(17) The lands identified as "Cedar Mountain" on the map referred to in subsection (a), comprising approximately 15,000 acres, which shall be known as "Cedar Mountain Wilderness Study Area".

(18) The lands identified as "San Rafael Swell Reef" on the map referred to in subsection (a), comprising approximately 105,000 acres, which shall be known as "San Rafael Swell Reef Wilderness Study Area".

SEC. 303. ADMINISTRATION OF WILDERNESS STUDY AREAS.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Study Areas shall be administered by the Secretary in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976, so as not to impair the suitability of such areas for preservation of wilderness until Congress determines otherwise.

(b) FURTHER ACQUISITIONS.—Any lands within the boundaries of any of the Wilderness Study Areas that are acquired by the United States after the date of the enactment of this Act shall become part of the relevant Wilderness Study Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a Wilderness Study Area.

SEC. 304. DEFINITIONS.

As used in this title:

(1) PUBLIC LANDS.—The term "public lands" has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) WILDERNESS STUDY AREA.—The term "Wilderness Study Area" or "Wilderness Study Areas" means one or more of the areas specified in section 302(b).

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, this amendment deals with the lands in the San Rafael Swell area that would be designated as wilderness by H.R. 1732, America's Red Rock Wilderness Act, introduced by our colleague, the gentleman from New York (Mr. HINCHAY). I am a cosponsor of that bill, as are 160 other Members of this body.

However, this amendment would not designate those lands as wilderness. Instead, it would require that instead they be managed as wilderness study areas.

Mr. Chairman, I am very familiar with these lands. I have walked the length and breadth of the San Rafael Swell. I have floated Muddy Creek down through the beautiful Narrows. I am convinced that these lands fully deserve and need the full protection that would come with their designation as wilderness.

So when the Committee on Resources considered this bill, I gave serious consideration to offering an amendment to provide that wilderness designation. However, I decided against offering that amendment.

I did so because of the assurance by the bill's sponsor, the gentleman from Utah (Mr. CANNON), that he intends for the bill only to defer consideration of wilderness designations in this part of Utah and not to influence one way or another the outcome of the future debate.

I have great respect for my colleague, the gentleman from Utah (Mr. CANNON). I know that he means what he says. So I decided to offer an amendment which is completely consistent with his intention, and that is what I am now offering.

This amendment is the same that I offered in the Committee on Resources. This amendment would assure that this bill is truly wilderness neutral because it would assure that the Congress would retain all its options with respect to these lands. It would do that by requiring that they be managed so they will retain their present suitability to be designated as wilderness until Congress decides in the future, not now, on that question of wilderness designation.

The amendment would also simplify and unify the management of these lands. Right now, some of them are formal wilderness study areas, others are lands that are subject to the BLM's inventory process, while others are not in either of those categories.

To be specific, the amendment will require interim protection of about 1,054,800 acres of public lands that are managed by the Bureau of Land Management. Of that total right now, about 263,000 acres are classified as formal wilderness study areas. Another 500,000 are being managed as if they were wilderness study areas, but the remaining 291,000 acres, which would be designated as wilderness under the Redrock Wilderness bill, do not even have that interim protection.

My amendment would change this. It would end the current differences in bureaucratic classification. It focuses on the most important characteristics of these lands, the things that they have in common, their wild, unspoiled character and their eminent suitability for being added to the National Wilderness Preservation System.

Mr. Chairman, by itself, this amendment will not make this a perfect bill. But by adopting this amendment, the House can assure that the bill will not prejudice the outcome of the future debate about designated wilderness in the San Rafael Swell area.

I personally think that the wilderness debate has been delayed too long. I would prefer that we were debating the question today. But for now, I can support deferring this debate about wilderness provided that in the meantime we act to prevent the wilderness characteristics of the superlative public lands from being impaired. That is the purpose of the amendment.

Mr. Chairman, it is not all that I would really like, but I think it is a reasonable and appropriate compromise. And I urge its adoption.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. Chairman, I agree with my friend, the gentleman from Colorado (Mr. UDALL). This debate has gone on too long. In my 20 years in Congress, I think this is about the umpteenth-hundredth bill we have done on something to do regarding wilderness in Utah.

One of the problems is we cannot get people to sit down and talk about it. In fact, I have a memorandum from some extreme groups that say they will not sit down and talk about, or it could be resolved. In the State of Utah, the legislature has done its study. The governor has done a study. There has been study upon study upon study.

Finally, after all of this work and after Secretary Babbitt gets involved, we say here is a way to take one small segment of Utah and get it resolved. There will be ample opportunity for this protection group that I spoke of in my opening remarks to look at this and determine where we can put this into wilderness. But just arbitrarily say, let us put all of this in WSAs, let us not look at it, let us not go.

Most of these amendments that are coming at us people have not even seen the areas, they could not even identify it. It is as bad as the Grand Staircase Escalante, when the person who designated it put it in the wrong State. Anyway, be that as it may, we find ourselves in the situation here where this is unnecessary.

There is no reason to do this amendment at this time because there will be things coming up. Some extreme groups are claiming that this is an antiwilderness bill because it fails to designate wilderness, the very reason we are failing to designate wilderness, because we cannot get to that point. And when we can, it should be, some of it should be; I do not have any argument with that.

I do not buy into the argument that wilderness is the only thing, the only panacea that is going to solve and protect ground. In fact, I can give you actual cases where it is gotten better protection under a management plan than it does as a national monument or wilderness.

So when they buy that argument, that is very fallacious. As many Members know, the issue of wilderness in Utah is a polarized one, and Utah has become the focal point; however, that debate has gone on and on.

H.R. 3605 will finally, finally protect nearly 1 million acres of BLM lands in

central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness grounds. It is right in the bill, so why do we need this amendment?

In fact, this process has resulted in further protection already. The BLM, after working with the county, and I hope the gentleman realizes, it has been in all the papers in Utah, maybe in Colorado, recently closed OHV trails in wilderness study areas, and this will ensure that these lands remain available for wilderness protections by some future Congress when we have a chance to look at it, to digest it, to see if it fits the criteria of wilderness, which no one seems to know.

If you look at the 1964 Wilderness Act, the criteria of wilderness is untrammelled by man, as if man was there, there was no sign of man. What does that mean? I would be willing to ask my colleagues on both sides of the aisle show me a picture of this area, show me where those roads, those signs of man would be.

We do not get that. We just get these general statements of amendments. The BLM will formulate a management plan, will ensure that those lands that have wilderness qualities will be managed to protect those qualities, and that is what the Secretary is saying. That is why Molly McKusack went down, 8 months pregnant she went down there, bless her heart, and walked all over the area and saw the whole thing. This is a great lady who went to all of this work so we could come up with this piece of legislation.

H.R. 3605 mandates that. Furthermore, the legislation formally recognizes that wilderness is left to future Congresses, and that is where it should be. Congress should be the ones to act on the public lands of America. Congress should be the ones to do national monuments and to do wilderness areas. This bill will ensure that these lands are protected.

Wilderness designation is very complicated, and simply dropping legislation that ignores all the science, all the work of the BLM professionals, all of the support of Secretary Babbitt, all of the support of this administration; and let us just pass the bill today, and let us vote against the amendment of my friend, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I want to first express my great respect and affection for my colleague, the gentleman from Utah (Mr. HANSEN). I think we do see this in many ways in a similar fashion. We both agree that the Congress ought to decide the ultimate fate of these lands, and that is simply what this amendment would do. It would just say these are going to be wilderness study areas, that we will manage them in that way,

so we do not preclude the option of Congress.

As you know, Mr. Chairman, if these lands are left in a state where they can be degraded in any way, then the point becomes moot as to whether they have wilderness values in 5 or 10 years; and that is all this amendment would do is make sure these lands are managed in the way that we say we want them to be managed.

Mr. HANSEN. Mr. Chairman, if I may reclaim my time and say to my friend, the gentleman from Colorado (Mr. UDALL), I would offer the gentleman and any of my colleagues on the other side of the aisle, come on out, let us look at it, let us have input in this area, if you want that input; but let us do it by that method rather than finding ourselves in a situation we arbitrarily put a wilderness designation in it. I think the gentleman should withdraw his amendment, but I say that with my tongue in my cheek, obviously.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. UDALL of Colorado:

At the end of the bill add the following new title:

TITLE III—LAND MANAGEMENT

SEC. 301. PROTECTIVE STATUS.

Pending completion of the management plan required by section 202(f), the Secretary shall manage each section of the Conservation Area in a manner at least as protective of the environment as was the case on June 6, 2000.

SEC. 302. INTENT REGARDING MANAGEMENT PLAN.

The Congress does not intend for the establishment of the Conservation Area to reduce the protection of any land within the Conservation Area. The Congress expects that, in general, the management plan developed under section 202(f) will be at least as protective of the environment as were the Bureau of Land Management policies in effect as of June 6, 2000.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. UDALL of Colorado. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue reading the amendment.

The Clerk continued reading the amendment.

□ 1145

Mr. BOEHLERT. Mr. Chairman, my amendment would ensure that the conservation area results in more, not less, protection for the land within its borders. That is the whole point of this bill, after all.

Of particular concern are the so-called 202 lands, lands that are not now

wilderness study areas, but are being considered for that designation. My amendment includes two provisions to ensure that such lands and other lands outside the WSAs are strongly protected.

First, my amendment makes clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now, pending completion of the management plan.

Second, my amendment clearly states Congress's intent that the management plan overall only strengthen existing land protections. We have to allow some latitude for the management plan, or there is no point in developing it. But the burden of proof will be on those who want to weaken protections for any portion of the conservation area, and the overall plan must at least maintain the current level of protection.

Mr. Chairman, I know that the gentleman from Colorado (Mr. UDALL), my friend with whom I have so often worked closely in partnership, would like to go a step further and give more land WSA status, and that may indeed be something we should do at a later date, but this bill is designed to move the ball forward without raising new wilderness issues.

My amendment should guarantee that land in the conservation area is more protected than ever before. Let me stress that. My amendment should guarantee that land in the conservation area is more protected than ever before. Let us save for another day, without prejudice, the question of how much more of that land should be WSAs or wilderness. Let us provide further protection now, without undermining the progress embodied in this bill.

Mr. Chairman, I urge support for my amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I rise in opposition because I think that the amendment, while well intentioned, fails to recognize the battle that rages in the West over wilderness study areas. What the gentleman from Colorado (Mr. UDALL) is trying to do with his amendment is to protect many of those lands that, in fact, have been identified as having wilderness qualities eligible for wilderness study areas, but have not yet been designated. That is one of the problems that the gentleman from Washington (Mr. INSLEE) will address, because if we look at the southern edge of the boundary here, we have significant areas that have been identified in the 202 process, and that is halted and it is halted as of this day, which means, in fact, they can be managed in an area that is inconsistent with the notion that they would later be designated as a wilderness study area. That is also true on the western edge of this swell also where that is going on outside of the boundaries.

Now, why do we have to designate these wilderness study areas, which is

different than designating them as wilderness? That is a separate determination. We do that because we have to protect the environmental assets that are on the ground, in place. We know that out West there is a hard attitude in some communities against wilderness, and we know that there is constant lobbying going on in terms of claims on land, in terms of efforts to push roads into lands, into ORV policies that do not adequately protect them, and then later, those are used as evidence saying that these lands should not be wilderness because they have been degraded.

So this amendment does not really protect those lands, even those lands that have already been designated by BLM in its process that it went through of reevaluating these lands after a rather flawed process in the late 1980s and in the early 1990s.

This is not a stagnant situation. This does not just stay frozen in time because of this bill or this amendment. With all due respect, wilderness is about politics. Wilderness is about politics. It is about judgeships, it is about appointments, it is about what the administration wants and does not want. This is not child's play; this is the big leagues out West. So U.S. senators saying what they want and what they do not want in wilderness has nothing to do with the environment, and what members of delegations tell the administration, this administration and the next administration and the last administrations. It is sort of nonpartisan, if you will, in some cases, or bipartisan, because this is the struggle about the politics of local communities and of the States. If we do not adopt the Udall amendment, all of that continues and these areas are quite eligible for further degradation of those environmental values.

The gentleman from New York (Mr. BOEHLERT) is trying to upgrade that but, in fact, the amendment does not do that. That is why we need to designate these lands as wilderness study areas.

Finally, let me say, as the gentleman from Utah suggested, that this is an arbitrary amendment, that we are just slamming down wilderness study areas. The fact of the matter is much of it is as a result, or all of it is as a result of the 202 process that has been gone through and has identified these areas. This is far from arbitrary. In fact, very little about wilderness is arbitrary in the West because it has been argued for so many years and has been identified and the values have been argued back and forth. So the fact of the matter is, to provide the real protections that these areas are entitled to means that we have to reject the Boehlert amendment and pass the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to acknowledge the good work that I have completed with the gentleman from New York (Mr. BOEHLERT), my friend and

colleague. I do think there is a dilemma here. I think that the gentleman from New York (Mr. BOEHLERT) wants to do the right thing, he is trying to do the right thing with his amendment, but I think it is only almost the right thing, and I think that that is just not quite good enough.

The gentleman from California (Mr. MILLER) points out that the rub here is that if we allow these lands to be degraded, then they do not meet the standard of wilderness, and so our choice then, the decision that we talked about making in the future could be precluded and we would not be able to make that choice. There are half a million acres of lands that only have administrative protection under the wilderness study status, and there are another 260,000 acres of land that have no protection at this time.

So I would, with some reluctance, need to oppose this amendment from the gentleman from New York (Mr. BOEHLERT). It just does not quite get there; it only keeps the status quo in place.

Mr. CANNON. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Boehlert amendment to the Udall amendment.

I would like to start by thanking the gentleman from Colorado (Mr. UDALL) who has been very active in this discussion in a way that has brought a certain collegiality, a certain friendliness to the process which I think sometimes has been missing in the past and, certainly when we get outside of these hallowed halls, it deteriorates sharply. But there are a couple of things that I would like to say to help folks here to understand what is going on here and where we are headed.

First of all, to describe half a million acres as not adequately protected because it is only protected under an administrative plan does not mean that it is not significant and major protection.

Secondly, let me tell a little story if I can to help give a sense of what this area means. A couple of years ago, I was invited to tour a facility of Intel in my district and little had I known that they ended up with 500 employees, it had grown virtually overnight and after I visited the facility, they asked me if I would like to speak for a few minutes to the employees, so I took a few minutes and talked about what was going on in Washington and then asked for questions. The first hand up was this question: What are you going to do about the Sam Rafael Swell? Not knowing exactly what I was into I said well, let me ask you all a question. How many of you have been motorbiking in the Sam Rafael Swell?

Now, most of these people were new move-ins from other areas, came to Utah because it is a remarkably beautiful place where they can come to work in a high-tech environment but get out and enjoy the incredible beauties of my district. As I asked that

question, how many of you have been motorbiking, I looked over at that audience, and everybody in that audience was making some multiple of \$75,000 a year; these are high-tech, high-paid people, and three-quarters of the hands went up.

Now, we cannot just talk in the abstract about land that people are coming from all over the world to visit, to see, and to go four-wheeling on and just say that we want a perfect wilderness bill with perfect wilderness protections when that is not going to happen, at least in the near term, and the amount of degradation that is going on by people who are not channeled into the right areas, into the areas that would probably be most interesting for them, but which would be the most robust; if you have a wash and you run down a wash on a four-wheel drive, it does not do anything. But if you have people out wandering without the right signage out there, if you do not direct people where to go and let them know what they are doing when you get them off the roads, then you are going to have massive degradation; and that has been happening today.

Now, the county and BLM have done some really dramatic things. They have changed the dynamic of how we are organizing things out there. But I urge my colleagues to remember this. In an area the size of the State of Connecticut, we have one BLM enforcement official. That man cannot possibly, without immediate, without current, without right-now help, he cannot possibly help solve the problems of the degradation that is going on. This bill immediately solves the problem. In fact, BLM and the county have already significantly reduced the ability of these people to get off in the wrong areas with signage and other things.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, a key concern that the gentleman from Colorado (Mr. UDALL) and I share is continuing the protection of the so-called 202 lands. My amendment says that the 202 areas must continue to be managed at least as strictly as they are now.

My concern about going further, as the gentleman from Colorado (Mr. UDALL) does, is that it will destroy a very delicate and very carefully crafted agreement, and we will get nothing.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me just point out, and I will be happy to yield if I have further time, the current 202 process is on hold from an appropriations bill rider. This bill moves us beyond that and puts the 202 process; that is, the reinventorying of wilderness areas, back on track.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am seeking clarification from the gentleman from New York (Mr. BOEHLERT), if the gentleman from Utah (Mr. CANNON) would yield for a question.

Mr. CANNON. Mr. Chairman, I am happy to also yield to the gentleman from New York (Mr. BOEHLERT) to answer a question.

Mr. BLUMENAUER. I thank the gentleman.

Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) is talking about the protection of the 202 areas. Would that not only apply to the areas within the boundary that is designated under this bill and leave off all of the other areas that would have been included under the Udall bill?

Mr. BOEHLERT. Mr. Chairman, the gentleman is correct, it would include the areas covered in this bill. It is the same as Udall, is my understanding.

Mr. BLUMENAUER. No.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me point out to the gentleman that we already included an extension of the area that would include the Factory Butte and other wilderness study areas to the south of this area.

Let me just finish by saying then, Mr. Chairman, this bill goes a long, long way to take violent, strong forces and bring them together for current protection of this area, which will not happen in a more restrained environment.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Boehlert amendment. Mr. Chairman, I really think what we have here puts in perspective that the gentleman from New York has crafted the middle ground. Here is what the bill says, here is what the gentleman from Colorado (Mr. UDALL) wants, and he has come up with a very moderate and reasonable middle ground that should solve this issue and take care of the problem.

I ask my friends from Colorado, what more do you want? We have taken out mining, we have taken out mineral leaving, we have stopped OHV from going into the area, we just expanded the area. And I keep hearing this argument, well, what about the rest of the area? Listen, I am a native of that area, I have been through that area, I have camped in that area, my dad had mining in that area. I have even looked for cows where there is no grass to feed them in that area.

□ 1200

We get down there and say, what other area are they talking about? We have covered the area. That is the whole show. That is the whole shooting match.

Now, if they want to go over to Nevada on one side, Colorado on the other side, go through those big rolling hills of sagebrush that maybe the President put in the national monument, that is fine. Go ahead and do that. We have

covered the area. There is nothing more to do.

When we get down to that, let us cover the area, and the last time these gentlemen were there, tell me what they are talking about; the last time they rode in that country, rode an ATV, put a back country pilot there. There is no other area. This is the whole shooting match that we have got in this bill.

I think the gentleman from New York has come up with a fine way to handle this area. I support that amendment that he has made to the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from Utah, for yielding.

The gentleman asks me what I want. I appreciate all the good work that has been done. What I want is for the gentleman to support my amendment. I think it makes good sense. I want to just make the point that this is not about creating new wilderness, as my colleague, the gentleman from Utah (Mr. CANNON), might suggest. This is just about protecting these lands that are already in pristine shape in the wilderness study category.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I renew my offer to my good friend from Colorado. Let us go out and spend some time and look at it. We can work with these BLM professionals. Why do we not trust these BLM guys? That is what this whole bill is about.

I feel kind of funny in this position, Mr. Chairman. The folks on the other side of the aisle are saying that to me. But I am just saying, okay, they have in good faith gone out there, they have spent hundreds of hours on it. They have shown us they are doing it right. I am inclined to trust them to do it this time.

I would ask my friends on the other side of the aisle, come with us. Let us all go together and say, let us have our input into it, but let us not do it abstractly, off the top of our heads, without seeing the area, knowing the area, talking to the people. Those things are all important.

For some reason, I have the opinion that the people who live on the ground should have some say in it. I think it would make a lot of sense that they have a say in it. They are our commissioners, our Governor, our legislators. They support this legislation. I think those people are kind of important, myself. I am sure the gentleman from Colorado would agree with that.

Mr. UDALL of Colorado. I agree. My question is, are we going to walk, ride, or float?

I also would acknowledge that the local people ought to have some input in this, and I think they have. But as my colleague, the gentleman from Utah (Mr. CANNON) suggested, the

West's economic structure is changing. People are coming to the West for different economic reasons. They want to have these open spaces. They want to have places in which to recreate.

I think that is the intent of my legislation, my amendment, is to keep that option open in the long term. I thank my colleague.

Mr. HANSEN. I appreciate the gentleman's comments.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a Westerner, and not the near West, like my friends, the gentlemen from Colorado and Utah, but the real West, out there in the West Coast, I have some modest sense of what goes on in wilderness areas. I have spent a little time interacting with people over the last 30 years as an elected official. I have watched the dynamic.

I would not pretend to be an expert in the wilderness areas in Utah, but I would take some exception with perhaps lumping in my friend from Colorado with people who do not quite know what they are talking about. I would venture a bet that there is nobody in this legislative body that has spent more time on foot and on watercraft going through this area than the gentleman from Colorado (Mr. UDALL). He is offering this up not as an extremist.

Again, I am concerned about the rhetoric that is sometimes employed when talking about people who are concerned about the protection of these precious resources that belong to the American people as extremist.

I am one of 160 cosponsors in this assembly of H.R. 1732, America's Red Rock Wilderness Act, which would go far beyond the amendment offered by my friend, the gentleman from Colorado. I do not think those 160 people or the vast majority of groups and organizations and media outlets that are involved in supporting it could be characterized as extremists. Indeed, I come from a western State, and I think a lot of the people would be regarded pretty much as mainstream.

Coming forward, I am supporting the Udall amendment and against my good friend, the gentleman from New York. Often I find I am on the same side on issues of protecting wilderness values. But the question that I posed to him in terms of what would be protected in terms of those 202 lands, it is clear if we look at the map that what the Boehlert amendment would do would be to extend it to the portion that is in the bill itself.

The Udall amendment would go far beyond that to deal not with a political fix that makes sense in terms of the local politics in Utah, in terms of county boundaries and where roads are. But looking at it from satellite, looking at it in terms of an ecosystem, the Udall amendment would provide wilderness study. It would not designate it as wilderness, but it would require that we

get on with the study, and it would reserve to this Congress the ability of making a wilderness designation, if that is what is warranted, over the whole area, and not having degraded it in the time being.

These are areas that are under assault. I am sure that my friend, the gentleman from New York (Mr. BOEHLERT), would not like to see this area eroded away, that we would have an arbitrary fracture of the whole wilderness potential area; have damage, have people establish in their mind that it is severable, when in fact I think he would agree, based on his environmental orientation, that it is not.

I have great sympathy for the problems of people who are in small States where these are very inflamed and sensitive issues. I know there are strong cross-currents. We need to respect them. There has been lots of opportunity in Utah, and that will continue.

I respect what my colleagues from the Utah delegation have done, and Secretary Babbitt. But I think we ought not to foreclose the opportunity of doing this right by adopting the Boehlert amendment and undercutting what the gentleman from Colorado (Mr. UDALL) is trying to do, protect the options of this Congress and protect the future of that area.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague from Oregon for yielding to me.

Just to set the record straight, my colleague, the gentleman from New York (Mr. BOEHLERT), who is trying to do the right thing, and he is almost right but I think we need to do more, if we look at his amendment, it would leave out the following areas: The limestone cliffs, Jones Bench Rock Canyon, Molan Reef, Eagle Canyon, and the red desert and others.

This is about wilderness study areas, not about creating wilderness. This is about maintaining areas in the wilderness study category so Congress can make those decisions when we deem fit.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding. I have a high regard for the gentleman, as he well knows.

We are not foreclosing any options. We are saying, very simply, we are making it clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now. Secondly, we are stating clearly Congress' intent that the management plan overall only strengthen existing land protections.

This can be revisited later. We may well be on the same page when we do so.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I have completed my thoughts, but I just want stress to one and all that this is a very fragile, carefully crafted agreement which has been signed onto by the Secretary of the Interior, with whom we have been in touch just this morning.

We are not foreclosing any options. Once again, we have worked so well in the past, and I look forward to working continually in the future as well. We are not foreclosing any options. We may revisit this and say we have to do more, but let us not put at risk this carefully crafted compromise. I thank the gentleman.

Mr. BLUMENAUER. Reclaiming my final minute, Mr. Chairman, the area that I take exception to what the gentleman is talking about is two-fold.

One is that it leaves out areas that have already been studied and virtually all rational people agree have wilderness characteristics. They are sensitive areas. His amendment would undercut what my colleague from Colorado is attempting to do.

Second, these are areas that are in fact under assault. These are areas where there are extreme pressures, where there is growing use of recreation vehicles. It is extraordinarily destructive, in the public mindset. With all due respect, I do think there are problems. That is why I do not want to settle for the limited vision that is so uncharacteristic of my friend, the gentleman from New York.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from Colorado (Mr. UDALL) for addressing this important issue. I rise in opposition to the Boehlert amendment, and to offer support for the underlying Udall amendment.

I urge all my colleagues to support this amendment. This is a common-sense approach to ensure that we do not have wilderness destruction by default. Like the gentleman from Colorado (Mr. UDALL) and many others, I believe that the entire area deserves the greatest protection we can offer.

In a sense, I am from the West. I represent part of western New Jersey. I want to make the point that this is a national treasure that people in my district, as well as in the district of the gentleman from Oregon (Mr. BLUMENAUER), as well as in the district of the gentleman from Colorado (Mr. UDALL), as well as in the district of the gentleman from New York (Mr. BOEHLERT), value strongly.

H.R. 3605 does not provide the protection this area needs. Like many, like the gentleman from Colorado (Mr. UDALL) and many others, I, too, am a cosponsor of H.R. 1732, America's Red

Rock Wilderness Act. I believe it is only prudent to add the lands in the San Rafael Swell to those areas designated in this act as wilderness study areas.

I believe that by making all the lands in this region wilderness study areas, we can be certain that this land will be protected until Congress makes a permanent decision on classification. This amendment would preserve the land and preserve our options.

This amendment thoughtfully addresses the inadequacies of H.R. 3605. I know no one who understands this issue better than the gentleman from Colorado (Mr. UDALL), and I rise in support for his amendment. I urge all Members to support this reasonable compromise.

Mr. BAIRD. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, this is an issue of profound importance to me. I actually grew up in the Slick Rock country of southwestern Colorado, a little tiny place called Fruita. There is also a Fruita, Utah, which I know well. I went to the University of Utah for undergraduate school, and the University of Wyoming for graduate school.

I respect very much the efforts of my colleagues on both sides of the aisle today to try to resolve what is admittedly a complex and difficult issue. But I feel the need to put it into context.

As we talk here on the floor of the House and as we look, if we walk back and forth from our offices with the cacaphony of noise, cars, taxis, whatnot, in southern Utah today there is profound silence. The areas we are talking about have a silence which most Americans cannot imagine. It is a silence that is breathtaking, a silence that is awe-inspiring, a silence which must be preserved.

When we take someone, as I have on several occasions, for hikes there, they are profoundly moved, moved in ways that we cannot describe in the debate on the floor, moved in ways that we cannot put in words in the language of legislation, but moved in ways which we must protect and preserve, because they touch at the very heart of our souls. They touch at the heart of our being. They touch at the heart of what is great about America.

This legislation we are talking about, the Udall amendment, is designed to do fundamentally this: to preserve that option for current generations, and to study ways in which it can be preserved for future generations.

The other thing that is happening in southern Utah today, even as we speak, is that ORVs and other activities are, in some cases willfully, in some cases inadvertently, intruding upon areas that by rights, by qualifications, should be designated as wilderness. We need to stop that.

There are places, Mr. Chairman, where we are not allowed to tread, because to tread on something would be to tread on sacred ground. To intrude

the noise and the destruction that currently is happening in parts of this wilderness area or potential wilderness area should not be allowed.

□ 1215

I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. UDALL). I would like to take every Member of this body on a 3- or 4- or 5-day trip to understand what happens, how transformational it is to go to those lands. Not everybody here can do that, but I would invite them to do that. And I strongly urge support for the Udall amendment.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to thank the gentleman for his moving description of my district. It is truly a wonderful breathtaking area, and we invite all of our colleagues and everyone in America to visit and to enjoy the experiences that the gentleman has obviously had there.

Let me add that one of the deep concerns that I have here is that we do have uncontrolled and destructive off-highway vehicle use. I believe that if this body supports the Udall amendment, that this bill will not go forward, that destruction will continue, and we will not have even the opportunity to currently solve the growing problem that we have today.

So sharing the gentleman's views and his sincere desire to see this continue, I suggest, is the best reason for opposing the Udall amendment.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I appreciate the comments of the gentleman from Utah (Mr. CANNON). My concern is this: I appreciate the sincere effort to reduce the damage to the existing areas, but there are, however, very precious and unique lands that are currently left out of this legislation and that the amendment offered by the gentleman from Colorado (Mr. UDALL) would address.

My fear is we do not address that. And my other fear, as I understand the legislation proposed, is it would manage areas at current management levels, but not at more potentially restrictive designations.

Mr. Chairman, I think we need to make sure that two things happen: we restrain and restrict and stop the destruction currently caused by ORVs in the existing and proposed areas and that we expand those areas recognized for their unique features.

It is indeed the area that the gentleman represents, and I respect that very much. But it is also an area cherished and regarded by the entire country as a unique national resource. That is why we are here today to speak on their behalf, the U.S. Congress speaking on behalf of that.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment offered by the gentleman from

New York (Mr. BOEHLERT). The Members from the other side of the aisle from the West who have described in most eloquent terms the areas of silence, the areas that truly still represent the pristine nature of the mechanics of creation under which they have evolved for so many millions of years, are correct in their assessment to protect these lands that are public lands.

The gentleman from Utah (Mr. CANNON) feels, and correctly so, that if the amendment is offered and then is passed, it is likely that the bill will not pass and then the difficulty of trying to restore many of these beautiful areas, some of which are designated wilderness, many of which are not managed in that way but could be managed in that way, will not prevail.

So in this interim step, we are moving in the direction, I believe, and certainly will work in that direction, for the preservation of much, if not most, if not all of this beautiful pristine area of Utah.

Now, I have never been to Utah, but I lived in a designated wilderness area of northern Idaho in the Bitter Root Mountains. We lived, my family, in a little cabin on top of the mountains in a designated wilderness area the size of Massachusetts. Our nearest neighbor we could not see from the highest mountain because they were well on the other side of the horizon. So our respect for this magnificent land and restoring and keeping it in this pristine state is something that I think we all can work diligently for.

Mr. Chairman, I am from the State of Maryland; and we do not have any designated wilderness study areas, except for a tiny little place called Assateague Island on the Atlantic Ocean. But every place else in Maryland, if we read the letter of the law, would not be suitable for a designated study area. Yet I think most of us know if we set aside a little land, and I have seen it happen by State law, if we set aside a little land, nature will come in and that silence will come back, only broken by the occasional migrating song bird or the yipping of a fox or a coyote or a bald eagle.

So in the interim of the designation of this as designated wilderness land, I think the gentleman from New York (Mr. BOEHLERT) has the bridge which we can construct, and we can cross it later on.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and he has been a wonderful supporter of the environment. This is different than the process that he might be familiar with, as the gentleman said, in Maryland or even in many parts of California any longer.

The threshold for wilderness is very, very high. That is why we go through extensive studies.

Mr. GILCHREST. Mr. Chairman, reclaiming my time for a second, I would like to work on legislation to change the threshold of the requirements to designate something wilderness. The gentleman from Utah (Mr. HANSEN) had an eastern wilderness bill that was percolating through legislation that would have designated certain areas east of whatever meridian it was, east of the Mississippi River, which I actually supported, which would have changed the classification for what could be designated as wilderness, because there were many areas in the east that would not meet that classification. I would like to see it change.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would continue to yield, I would invite the gentleman to read the Wilderness Act, because that threshold is quite properly set, because we cannot achieve the quality that the gentleman from Washington (Mr. BAIRD) talked about, and others have experienced, by simply changing designations.

It is about a place. It is about the quality of the place. It is about a place that is untrammelled. And that is why, as we go through these areas in Utah or California or anywhere else and we look at them, they are taken in consideration with their surroundings. So if ORVs have gone crazy in the meantime, or people have punched in roads, or mining claims have been established, they are not qualified for wilderness because we cannot achieve the qualities in the Wilderness Act.

As the West continues to fill up with people at the rate that it is, the preservation of these qualities is more and more difficult. I am not lecturing the gentleman, because the gentleman appreciates this. But my point is that the Boehlert amendment does not go to these areas that were cut out by an arbitrary county line and so we start to lose those qualities here, and they impact on the wilderness study areas on the other side of the line. That is the tragedy of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

The point of no quorum is considered withdrawn.

Are there other amendments?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 14 through 22 and insert the following: "(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled "San Rafael Western Legacy District and National Conservation Area" and dated March 28, 2000."

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN. Mr. Chairman, the amendment is not in proper form, because it is drafted as an amendment to the wrong page and line of the bill.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has placed a corrected form at the desk, and the Chair would ask the Clerk to report the corrected form.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 19 through 22 and insert the following:

"(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled "San Rafael Western Legacy District and National Conservation Area" and dated March 28, 2000."

Mr. INSLEE. Mr. Chairman, I appreciate the gentleman's correction. We appreciate that. We also appreciate the interest of the gentleman from Utah (Mr. HANSEN) in this bill and his sincere effort to move forward in this regard, as well as the interest of the Secretary of the Interior.

Mr. Chairman, our amendment is necessitated by the simple fact that the bill as currently written falls considerably short of protecting the San Rafael Swell in its entirety. What our amendment would do, which is widely supported by those who are interested in the Red Rock area of this wonderful State, would essentially add about 14 percent of the San Rafael Swell that is not currently protected by the legislation.

Mr. Chairman, I think any of us who are familiar with this area would conclude that these hundreds of thousands of acres which we have not proposed to be protected in this bill need to be protected both because of their scenic splendor, and because of their virtue of silence and their ecosystem protection for various endangered and threatened species who live in the area.

Let me address those issues if I may, Mr. Chairman. Basically, what happened to create the imperfection in this bill as it currently is situated is that the drafters, in attempting in good faith to obtain consensus, have drawn a boundary of the San Rafael Swell created by man with political boundaries and sometimes by small roads, rather than on the Creator's boundaries, the way the Creator made this land and these incredible rock formations.

In that regard, boundaries as currently drawn would cut off a signifi-

cant portion of the area which is so scenic and so important to the ecosystem in this area. Those include a number, and I want to talk about some of those areas because they are incredibly scenic. Those are the Eagle Canyon area, which is perhaps closest to the populated area in Utah; the Rock Canyon area; the Molen Reef area; the Limestone Cliffs area. Let me address why some of these areas are important.

Let me address this Limestone Cliffs area. This is an area which is essentially a conduit for elk, deer, a number of wonderful critters when they go between the lower elevations and the higher elevations. If we do not protect these areas, we will not have done justice to the basic thrust of this bill.

There is an area here too that I just cannot fail to mention. There is an area that would be protected under our amendment called the Mussentuchit Badlands, and I think that is the proper language that we ought to think about it. Because "mustn't touch it" should be the approach that this Congress takes to not allow development or spoiling of that area. It is an incredibly beautiful area. Those who have been there know, this is sedimentary rock, this Red Rock Canyon area. In this Mussentuchit Badlands, there are fins, vertical layers of igneous rock that come shooting up out of this sedimentary rock that are really spectacular.

Why is that not protected in the bill? Why did the drafters not include Mussentuchit Badlands? The reason is sort of an artifact of political boundaries. Frankly, if we are going to protect this area, we have got to protect it the way the Creator made it, not due to political boundaries.

The Limestone Cliffs area I addressed happened to be west of a boundary line of a particular county. It is in Sevier County. Now, why we should exclude an area simply because it is over a county line? I do not think that comports with the basic thrust of this bill, which is to protect wild areas, to protect scenic areas, and to protect these ecosystems.

□ 1230

I will tell my colleagues, the deer and the other animals who reside in this area do not respect these county lines. When we develop a boundary for a conservation area, we should not draw these boundaries the way man has on the map but the way they are created and laid out on the ground.

Let me address, if I can, a basic, perhaps, argument here today between some who suggest that, I guess, if one does not live in Utah, one does not have enough sensitivity or care or knowledge of this land. I do not purport to have the knowledge of the representatives of Utah about this land.

But what I would say is, when it comes to Federal land, when the good people of Utah come to Mt. Rainier in Washington, my home State, they take back a piece of Mt. Rainier back to

Utah. It is something they never forget. It is the same of the people I represent. When my software engineers go down and hike the Red Rock Canyons, they take a piece of Utah back with them that is right here as much as in Utah.

We will respect our constituents nationwide if we adopt this amendment and fully protect this incredible area.

Mr. HANSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, let me respectfully point out, and let us go back just a little half hour ago when we had the gentleman from New York (Mr. BOEHLERT) cure the county line problem. This is not in Emery County. We are not following county lines. So now it goes into Wayne County.

I thought we solved this problem on expansion because we took in the most beautiful areas. We took in that bottom part of Muddy Creek. We took in Factory Butte. That was done. So we have already cured that problem, if I may respectfully say to the gentleman from Washington (Mr. INSLEE).

Let me also point out one other thing. Who drew these lines? These lines were drawn by the Secretary of the Interior. Who is to say what is beauty to the eye out there? I find it interesting that folks keep standing up and saying it is not in the swell. Well, what is the swell? Will somebody please define that? Now, the local folks have defined it. The BLM has defined it. The Secretary has defined it. The State of Utah has defined it. All of a sudden, we are finding new definitions.

Now, we get one that expands off to the west. Now, what is in that western area? That western area, I know some groups would like to include it; and in many of their proposals through the last 20 years, they have included that.

But let us go back to the idea of saying, well, what is the definition of wilderness, which I think we are getting at here. The definition and what fell out of the definition is no roads, no sign of man, man was never there.

Now, let me point out, the area that the gentleman is talking about has gypsum mines in it, a whole bunch of them in there that people mine, are currently doing that. The area the gentleman is talking about has roads through it. Not only are they just two tracks that we often debate on this floor, they are county roads that are graded and have got regulatory signs on them. What we are talking about is there are communities in that area. I mean, this just does not fit. It does not fit the definition.

So I have great respect for the gentleman's argument. But as far as I am concerned, why did we go to all this work? Why is it BLM agreed on this? Why is it the Secretary agreed on this? They are not apt to give away grounds of the West. I have never seen this Secretary do that. If anything, he even expands them.

So, in my mind, I have no problem with the intent of the gentleman. But

let me respectfully say that this does not fit the area. Let us go back to what BLM did. Let us go back to the professionals. Let us go back to the definition of words. Let us not put an area that does not fit, does not add anything to the swell at all, it would really be detrimental to it, and it would hurt the industry in that area and hurt the communities and hurt the employment. Therefore, I respectfully would oppose the gentleman's amendment.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I am happy to yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I just want to make sure there is no confusion because my understanding is the amendment of the gentleman from New York (Mr. BOEHLERT) added certain lands south of this particular county. However, it did not add areas that were subject to wilderness potential study and certainly which we believe is within this swell area in Sevier County. I am speaking specifically of the Limestone Cliffs area.

Now, I just want to make sure that we understand the amendment of the gentleman from Washington (Mr. BOEHLERT). This is our understanding on this side. I just ask the gentleman from Utah (Mr. HANSEN) to clarify that.

Mr. HANSEN. Mr. Speaker, I apologize if I misinterpreted the gentleman's earlier comments when he talked about where we were following county lines. The gentleman from New York (Mr. BOEHLERT) went right through a county line with the agreement of people and went into Wayne County. Now the gentleman talks about Sevier County that is to the west, and that is where our argument comes down. We say it does not qualify. It hardly qualifies.

But if I may respectfully say so, some of those organizations that some folks are looking at what they have come up with, in looking in the last 20 years, some of them go right over the top of everything but an interstate, right over little cities, right over other areas.

I think this one, and I really wish the gentleman from Washington (Mr. INSLEE) would come out with me and look at it, because I would sure like to show him a few of the people out there who live on that area, who mine that area, who live there, who have school buses go up and down it. I do not think we want to hurt those folks.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I am happy to yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, if I might just say, my district, as I pointed out a little earlier, has really remarkably beautiful areas. The area the gentleman is talking about in Sevier County is actually a pretty nice area, but it is a long way away of what we are trying to deal with here. What we are trying to do is establish a process

so we can, in fact, integrate all of the facets of public land management into one bill.

So I oppose the current amendment on the basis that it goes way beyond what makes sense on the ground and does not add anything to the Boehlert amendment, which actually does bring this all together and in an integrated fashion.

Mr. HANSEN. Mr. Chairman, reclaiming my time, let me just say the Boehlert amendment very logically went into an area that is absolutely gorgeous. The gentleman from Utah (Mr. COOK) put up a picture showing one of the prettiest areas in southern Utah. It is a well thought out, well crafted amendment, and something we should all go with. I am glad to see we agreed on that. I am glad to see the two counties agreed on that. That took a long time to get those folks to the table.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Inslee amendment because I think, absent the Inslee amendment, we do not have the kind of package here that is necessary.

The Boehlert amendment does not fully protect the lands to the south. In fact, some of the wilderness areas are, in fact, split by that amendment.

The point here between the Udall amendment and the Inslee amendment is to, in fact, provide the kind of protection that is necessary to maintain the potential wilderness qualities of these areas by designating them as wilderness study areas and expanding the boundary.

I appreciate apparently mining is okay, good enough for the wilderness areas inside the boundary study areas, but it is not good enough for the areas outside the study. Let us be consistent here. I would prefer we did not have mines in either one of them. The fact it exists, and that is why it is a study area to see whether or not it can meet the definition of wilderness.

Wilderness is not something that we go back and we create. Wilderness either exists or it does not exist, and we designate it. We do not create it. It was created by the creator, if you will, at this point. The question is whether or not we have the ability to recognize it and to protect it.

As I said, it is a difficult and a tough threshold. If one would read the definition of wilderness, in contrast to those areas where man and his own works dominate the landscape is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor and does not remain, and it goes on with the characteristics. These areas are tougher and tougher to find.

The gentleman from Utah raises a number of concerns that we obviously have as we look at these wilderness areas, as a number of them probably will not qualify. Although that particular area may have great environmental value, but when put into this

definition, it may in fact not qualify because of preexisting activities that are there.

That is why the current protection is so important because those activities will continue on. They continue on with a lesser level of protection, and then that is used as evidence to suggest why that area cannot be designated as wilderness because it is already fully trammelled by man. It is fully under restraints because of the activities of man. The gentleman from New Jersey (Mr. HOLT) is going to address one of those issues.

We now see we have wilderness study areas under the bill that has preserved routes for ORV vehicles that run right through the middle of the wilderness study areas. So rather than even try to repair those areas, that is what happens, it becomes a process of boot strapping. This become a process of boot strapping in the West where a trail becomes a road, and a road becomes an impediment to wilderness.

That is why these amendments are necessary. That is why the Boehlert amendment offered as a substitute to the amendment offered by the gentleman from Colorado (Mr. UDALL) does not go far enough, and the boundary change is important so that these lands will be brought in under this protection. We will not continue this process of arbitrarily drawing these boundaries based upon roads, based upon political subdivisions.

So, in fact, what we have here, and I would hope that my colleagues would pay attention to it, is a package of amendments that really, really protect this area in a manner in which it is entitled to. Between the Udall amendment, the Inslee amendment, and the Holt amendment, we, in fact, provide the kind of protection that, unfortunately, the BLM has not provided in the past and has been called to task for that. But in one case in the bill, we find ourselves reaffirming bad decisions they made by preserving those ORV routes.

I appreciate the Secretary's involvement. I think the Secretary with all due respect made a bad deal here, made a bad deal. He made a bad deal in the Federal Reserve water rights. He made a bad deal in the protection of wilderness study areas. He made a bad deal on the ORVs.

That is why the Congress of the United States is involved in this process. We can correct some of that, and we can provide the kinds of protections.

So I would hope that people would support the Inslee amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I want to thank my colleagues for this opportunity to discuss the protection of the San Rafael Swell region of southern Utah.

I want to turn the subject of the discussion to wilderness. I believe that we have not done enough to protect wilderness in the country. It is, in fact, a

diminishing resource especially in the San Rafael Swell region, which contains jagged cliff faces, narrow slot canyons, hidden valleys that swell 1,500 feet above the surrounding desert, there is much more that we need to do in terms of protecting these areas.

As the sponsor of H.R. 1732, which is known as America's Red Rock Wilderness Act, I have a keen interest in today's debate on this bill, H.R. 3605, and the amendments that are being presented to it.

There are over 1 million acres of wilderness quality public lands in 20 units in the San Rafael region that have been recognized by my legislation, and this includes places that are arbitrarily outside the boundaries of H.R. 3605, places including Factory Butte, Jones Bench, Limestone Cliffs, Red Desert, Rock Canyon, and Eagle Canyon that deserve to be protected as wilderness and are not protected in this bill. In fact, they would be discarded under this bill.

There are 163 cosponsors of America's Red Rock Wilderness Act who support wilderness designation for these nationally significant areas that are public lands owned by all Americans.

While 80 percent of the lands in H.R. 3605 are slated for wilderness protection by America's Red Rock Wilderness Act, there is no mention of protecting the wilderness qualities in these lands in the bill of the gentleman from Utah (Mr. CANNON). I see that and I hope others will see it, as they should, as a fatal flaw, a fatal shortcoming. Not only does it fail to protect these wild areas, but it will directly contribute to their further abuse and degradation.

I have an amendment that I was going to offer which would designate the million plus acres of wilderness quality lands in the swell region as wilderness. These wild places deserve the protection that America's Red Rock Wilderness Act would confer upon them. But instead of offering this amendment, I am willing to make the bill wilderness neutral by not offering it.

While the proponents of the present bill say that their intent is to make this bill wilderness neutral, they know and I know that that is simply not the case. This bill that we have before us, H.R. 3605, is anti-wilderness. It is anti-wilderness because it would continue the abuse of these lands, and its arbitrary boundaries divide or exclude several proposed wilderness areas.

The chief local proponent of H.R. 3605 has said that this bill "is a way of getting around wilderness," meaning pass this bill and then we never have to consider the wilderness question for the San Rafael Swell region again. If the House passes this bill, it could become a model of how to undercut both of this protection for our public lands.

So I am asking the House to reject the bill, to pass the amendment of the gentleman from Washington (Mr. INSLEE), pass the amendment of the gentleman from Colorado (Mr. UDALL).

These are constructive amendments which will give us an opportunity to understand these regions better than we do. Let us keep them in study as the Udall amendment, for example, would propose.

The Udall amendment, the Inslee amendment make constructive contributions to the national debate about how to protect America's wild lands. The bill that we have before us, H.R. 3605, would, in effect, end that debate. It would end that debate by precluding the opportunity to include vast regions of the San Rafael Swell area particularly from any further consideration or inclusion in the wilderness category.

□ 1245

It would preclude further debate that would allow us the opportunity to protect those lands which so greatly deserve protection and, in fact, now need protection and will need it even more so if they are to succumb to the assault that would be inflicted upon them if 3605 were ever to become law.

We have the opportunity here to make this a much better proposition. Let us pass the Inslee amendment; let us pass the Udall amendment and thereby make this a much more effective bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. HINCHEY. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman quoted someone as saying this bill is a way to get around wilderness. Let me clarify what I think the intent of that quote was.

The issue is not to avoid or get around wilderness but to get beyond the debate which has stagnated, which is not moving forward, and which is leaving these lands subject to the degradation that I think we are all concerned about here. It is not a matter of getting around wilderness or around the gentleman's bill; it is a matter of getting around the problem of not improving the area.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I would like to respond to the gentleman's comment, which I think is a very important one. The fact of the matter is passing the bill would preclude debate on wilderness for those regions; passing the bill would obviate the ability to protect those areas.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to rise in support of the Inslee amendment, and talk specifically for a minute about the Muddy Creek area. I have had the opportunity to float Muddy Creek, which runs out of Emery County and down into Wayne County. I appeal to my friends from Utah and say that I think this would be a great reason to include the Inslee amendment because those lands would be protected.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I think we have already included Muddy Creek in the first amendment.

Mr. UDALL of Colorado. Reclaiming my time, Mr. Chairman, that is excellent news; and I appreciate the chairman for working with me, as I had appealed to him in previous colloquy. We would like to get all of the watershed.

But I wanted again to make the point that we are talking about in the Inslee amendment taking into account the natural features, the geographic features, of this beautiful area; and I think that is the important point that we ought to acknowledge in the Inslee amendment.

My colleagues may remember John Wesley Powell, the first head of the geologic survey, the one-armed Civil War veteran who first ran the Grand Canyon, suggested we organize the West on a watershed basis. Had we had the vision to do that, I think we would have a much easier time of managing our precious water resources in the West.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for yielding to me.

Many of my colleagues have graciously invited me and others to come see this incredible property, and we want to come. This is just a picture of one area. This is a picture of the Jones Bench, which is an area that is not protected under the existing proposal but would be evaluated and protected under the Inslee amendment.

Let me say sincerely and graciously that the reason for this amendment is to make sure that Jones Bench is there in its current position by the time I get there. And this amendment would simply say we are going to honor the gentleman's invitation, but we would like him to keep the place the way it is before we get there to evaluate the inclusion of this for wilderness status.

Let me make sure people understand this, too, because perhaps there is some confusion. The area of Jones Bench is in Sevier County, not Emery County. It is in Sevier County. And because it is in Sevier County, and because it is on the wrong side of another little road somebody put in somewhere, by man not the Creator, we in the existing proposal would not protect it. And I think the proposition we are testing in Congress today is how are we going to decide what is worthy of protection. Are we going to decide just based on county lines and where man created roads, or are we going to give respect to the Creator and decide it where the Creator put the red rock?

I stand here to say we ought to respect the Creator's handiwork and draw these boundary lines on the basis of where the Creator put these ecosystems and this red rock. If we do not do this, my colleagues, I will not be

able, because of the pressure down in this neck of the woods is tremendous in these areas, I believe we may not be able to honor the gentleman's invitation if we do not include this amendment. And I respectfully urge my colleagues to join us in adding about 14 percent to this amendment to include the Creator's handiwork.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentleman yielding to me, and I wanted to respond to the gentleman from Washington, if I may, about his saying that would not be protected. The gentleman realizes that is 10 miles from the boundary of the Swell. So we have a whole bunch of protection in between there.

Now, let me add one other thing. The gentleman has a little problem there because it is protected now. It is called management plan which protects that area. So that area the gentleman is worried about, when he comes to see it, which we would love to have him do, it already has a pretty heavy restriction on what is protected and what is not.

It is interesting to note that BLM, Forest Service, Park Service, even Reclamation has management plans that somewhat protect areas more than wilderness does. A classic example of that is the Grand Staircase Escalante, which is protected more under the management plan than it is under the national monument. But people think that makes them happy, and I guess that is what counts.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding. I want to make sure I understand and all my colleagues here understand what is at stake.

Is it not true that what we are talking about is whether this protective area will include land that falls within natural boundaries that otherwise would not be included because they are on the other side of an arbitrary east-west latitudinal county line?

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(By unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 2 additional minutes.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. So I want to make sure my understanding is correct: it is whether we include land that happens to be on the other side of an arbitrary east-west latitudinal county line.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. If I may be heard in answer to that question, Mr. Chairman,

there are two artificial human lines that prevent protection of this resource and others like it. One is a county line, a human-drawn boundary; and the second is some small roads up farther north. Both of these are human-drawn boundaries.

The point we are making with our amendment is that those political decisions, that political history, should not be respected as much as the Creator's handiwork. And by the way, if there is any question about the Swell, I advise my colleagues that there are some great geological texts that clearly define this area and others as within the San Rafael Swell.

And I want to address this Muddy Creek, if I can, because I know it is a favorite of the gentleman from Colorado (Mr. UDALL). Without the Inslee amendment, we do not, repeat, we do not protect the entire watershed of Muddy Creek.

The one thing I know about arteries in our body is if we cut it off in one place it does not make it any good if we protect the other 98 percent. We do not protect a significant percentage of the Muddy Creek watershed. And if we had gone back and redrawn the history of the West, we certainly would have protected watersheds rather than north-south lines and meridians. We would have protected watersheds.

Now is the chance, today, for the U.S. Congress to start a new direction when we decide how we protect the West. Today we can decide to protect watersheds rather than historical documents that some surveyor punched a straight line through Utah on. And I think that is an advance for the U.S. Congress, and I hope that we will make it.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I think the gentleman from New Jersey (Mr. HOLT) asked a question, and I would like to answer it in a different way.

The little roads up to the north is actually a 2-lane highway.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(On request of Mr. CANNON, and by unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 30 additional seconds.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. I thank the gentleman for yielding to me.

So as I was saying, there is a 2-lane highway that divides this area. And in addition to that, it is 10 miles and more distant from the outer edge of what people normally call the Swell.

We can use definitions all day long, but if the gentleman travels the area it is obvious. And again I invite everyone in Congress and across America to visit my district. There are many, many places worthy of protection and designation. But we are dealing with the

Swell here; and this is an area that truly is geographically, esthetically, and dramatically different and separate from the area we are dealing with in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:
Strike section 202(b) and insert the following:

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (f).

Mr. HOLT. Mr. Chairman, I rise to offer an amendment that will significantly improve the protections provided to the San Rafael Swell under H.R. 3605, and I want to thank the gentleman from Minnesota (Mr. VENTO), who initiated this work and who would like to be here today to advocate it.

I also want to thank the gentleman from California (Mr. GEORGE MILLER) for his work as a champion of environmental protection and conservation, not just on this issue.

The San Rafael Western Legacy District and National Conservation Act utilizes a never-before-used so-called legacy district designation to protect the San Rafael Swell in eastern Utah. However, this legislation falls far short of providing the resource protections that the San Rafael region so richly deserves.

The chief environmental threat, the chief environmental threat to these lands is off-road vehicles. This abuse of ORVs in Utah has exploded over the past 10 to 15 years; and as a result, ORV abuse has become much more common, with ORV'ers pushing new

trails into remote areas each year. In fact, this past March, the Bureau of Land Management was forced to make an emergency ORV closure of part of the Swell's wilderness study areas. The BLM found extensive damage to soil, to vegetation, and other resources caused by ORV abuse.

With this kind of damage occurring in the most pristine areas of the region, my colleagues can be sure that other spectacular lands in the San Rafael Swell are at risk. Nevertheless, H.R. 3605 does nothing to deal effectively with these problems. Since 1991, the BLM has attempted to come up with a plan to regulate ORV use but has failed to do so. This failure has led to severe damage in the Swell.

H.R. 3605 would essentially codify BLM regulations that have failed to protect the San Rafael region. The legislation stipulates a 4-year planning process with no guarantees that future ORV use will be controlled. In the short term, during the 4 years of further study, the Swell will continue to be at extreme risk.

I am offering a simple amendment to manage ORV use and protect the vast geological and scenic wonders within the San Rafael Swell. My amendment does two things: one, it does not permit motorized vehicles in any wilderness study area or other roadless areas within the conservation area; and, two, it restricts motorized vehicles on other areas within the conservation area to roads and trails designated for such use.

Now, I would like to make a distinction here. What I am trying to do is to prevent ORV abuse not ORV use. I am not trying to stop citizens and recreation enthusiasts from enjoying responsibly this spectacular region from their vehicle. More importantly, with my amendment, there would still be 1,000 miles of road marked and recognized for use that would still be open.

Let me put this into perspective. A few years ago, the Grand Staircase-Escalante, to which the gentleman referred a moment ago, was designated a national monument in southern Utah. This area consists of almost 2 million acres and has about 900 miles of road available for use.

□ 1300

The San Rafael Conservation Area is half the size and has a thousand miles of roads for open use. It is clear that there will still be enough roads for those who wish to visit and to use the region.

In closing, I would just like to say that if ORV use is not managed to protect conservation area values, then the designation of a national conservation area is meaningless. If we do not put in these protections, the designation would be meaningless.

So please help protect the San Rafael Swell with the protection that it needs. I ask support for my amendment.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. HOLT:

In section 202(c)(1)—

(1) after "shall be" insert "limited to roads and trails that are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f), except that motorized vehicle use shall be"; and

(2) strike subparagraphs (A), (B), and (C) and insert the following:

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) prohibited in areas where roads and trails were closed to motorized vehicles by the Bureau of Land Management as of June 6, 2000, pursuant to Federal Register Document 00-6796 published on March 21, 2000; and

(C) prohibited in any area in which the Secretary determines at any time that motorized vehicle use is causing or will cause adverse effects pursuant to section 8340 of title 43, Code of Federal Regulations, in effect on June 6, 2000.

The CHAIRMAN. The Chair advises that on the original amendment offered by the gentleman from New Jersey (Mr. HOLT), the Clerk designated the amendment numbered 2 in the RECORD and the gentleman offered a different amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

In section 202, strike subsections (b) and (c) and insert the following (and make appropriate conforming changes):

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (f).

The CHAIRMAN. The Committee now has pending the amendment offered by the gentleman from New Jersey (Mr. HOLT) and the substitute offered by the gentleman from New York (Mr. BOEHLERT).

The gentleman from New York (Mr. BOEHLERT) may proceed under the 5-minute rule.

Mr. BOEHLERT. Mr. Chairman, my amendment, once again, tries to seek the sensible middle ground. It protects the area. It does not foreclose options for the future. It also does not jeopardize a very fragile, carefully crafted agreement, which has been endorsed by the Secretary of the Interior.

As we address the subject of off-highway vehicles, the amendment would

make clear that the management plan cannot supersede existing prohibitions or Secretarial authority concerning motorized vehicle use. The amendment explicitly codifies the road closures and wilderness study areas that the Bureau of Land Management announced in March. And the amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

Let me repeat that because it is worth emphasis. The amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

These provisions will strengthen the BLM's ability to block off-highway vehicle use in the conservation area.

The amendment does not automatically close all roads to OHV use, as the Holt amendment would. The management plan required by the bill could close all the roads, but doing so today would undermine the agreement that brought forward this bill. That agreement is necessary to ensure that off-highway vehicle restrictions are truly enforced.

So I urge support for my amendment that would strengthen OHV limitations but would not put in place restrictions that cannot yet be enforced.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, just for clarification, does the amendment of the gentleman allow off-road vehicle use in wilderness study areas?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, only where the BLM has allowed that.

Mr. HOLT. Mr. Chairman, if the gentleman will continue to yield, this would be codifying the March decision?

Mr. BOEHLERT. Mr. Chairman, yes.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have here a map of the area of the wilderness study area and it shows the areas that were permitted for off-road vehicle use in March. They go right smack through the middle of the wilderness study area. There are four routes. They essentially bisect and hit some of the most scenic and, I believe, fragile parts of that area. Let me just point out that that is right smack in the middle of this wilderness study area.

I have photographs here of the damage that is being done by these off-road vehicles in the wilderness study area. I mean, these photographs are in the wilderness study area. And it is exactly that that my amendment is intended to protect.

If wilderness study area is going to mean anything, we have to protect it from the most damaging environmental effect; and, at least today, that is the most damaging force on the wilderness study areas.

So to say this only codifies what has already been approved underscores exactly what I am talking about. If we do

not pass my amendment, if we do not defeat the Boehlert amendment, we will, in fact, suffer the kind of damage that my colleague, the gentleman from Washington (Mr. INSLEE), was referring to earlier that will leave the place much diminished by the time those millions of Americans accept the invitation of my colleague to come from all over the United States and visit.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, is the gentleman from New Jersey (Mr. HOLT) aware that the roads that remain as well as, arguably, all of the other roads that have been closed preceded in existence the wilderness study designation and, in fact, have histories that go far enough back that they are probably not under the jurisdiction and control of this body to close?

Mr. HOLT. Mr. Chairman, reclaiming my time, I believe it is within the jurisdiction of this body to close. And I understand that they preceded this. But that is the point. We are trying to protect this region. And it does not mean that past abuses will be codified and accepted. It means that we want to preserve this area for the appreciation of today's and future generations of Americans.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, I recognize the concern of the gentleman in preserving the areas. But if the county and the State have rights to those roads, the gentleman would not suggest that we pass legislation that simply overrides those rights without compensation without going through the constitutional process as required of us?

Mr. HOLT. Mr. Chairman, reclaiming my time, I do not believe that there is anything in the March directive that cannot be overridden by our legislation here today.

Mr. CANNON. Mr. Chairman, just as a matter of fact, let me point out that the March directive made a huge leap forward in progress in controlling the damage done by OHVs, but it was done with the county. In other words, the county that has the rights to these roads, the county that can assert those right-of-ways, has said, we will work with the BLM in the context of this bill to solve the problem that we agree is currently existing.

We cannot as a body here, or together as a Federal Government, override what those interests in those roads are.

What the amendment of the gentleman from New Jersey (Mr. HOLT) would do is actually turn back the clock on the very degradation he is attempting to stop.

Mr. HOLT. Mr. Chairman, reclaiming my time, the BLM has tried to solve this for years; and it is partly out of frustration of their inability to do so that I am offering this amendment today.

I would say that the point is not to codify past abuses but to put in place the protections that Americans want for this valuable resource.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, many people have been frustrated by the abuse that has happened in these wilderness study areas, including the BLM. I agree with the gentleman. The reason the BLM has been frustrated and not done anything is because unilaterally they did not have the ability to do anything.

What this bill does is create a context where the rights of Emery County is understood and put in context and thoughtful decisions and conclusions can be made, like the decision that was made in March.

We cannot do it unilaterally any other way, and that is why the frustration has been because of the legal problems the constitutional protections that the counties had, not because of any desire not to have these things solved. That is why this bill is so important and why I would urge that this amendment be defeated.

Mr. HOLT. Mr. Chairman, I would say the reason why this is so important that we defeat the Boehlert amendment is that there is 4 years during which great destruction could take place.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HOLT) has expired.

(By unanimous consent, Mr. HOLT was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to point out that of the many, many routes included, only four, as the gentleman correctly observed, are covered here. But we specifically and explicitly codify the regulatory authority of the Secretary to block motorized use that would degrade or is degrading environmental resources.

Moreover, in the Federal Register, I would point out this phrase: "These routes will remain open on a conditional basis. Motorized use of these routes will be allowed to continue contingent upon the success of a rehabilitation and monitoring plan designed to restore areas to nonimpairment conditions and prevent further travel off of these prescribed routes."

Mr. HOLT. Mr. Chairman, reclaiming my time, so this conditional basis means it would allow the BLM to protect this as well as they have protected it for the past 10 years?

Mr. BOEHLERT. Mr. Chairman, if the gentleman will continue to yield, it says to the BLM to study it and if there is any indication it is degrading to the environment, they should proceed to close it.

Mr. HOLT. Mr. Chairman, we have to do more, I would say.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BOEHLERT) and against the amendment offered by the gentleman from New Jersey (Mr. HOLT).

Mr. Chairman, this really is not necessary what he is bringing up here. Because if he would go back and check this out, he would find that we all agree on OHV making a mess on public ground, that that should not be done. And we can see it in the San Rafael Swell, so much so that the Secretary, back in March, determined certain regulations that he would take over. And this bill we are talking about gives him those regulations.

I guess the question in front of us today, Mr. Chairman, is this: Do we want to micromanage from Washington, D.C., or do we trust the Secretary and the BLM professionals to do it themselves? That seems to be the question.

If I may have the attention of the gentleman from New Jersey (Mr. HOLT), the gentleman correctly pointed out those four different areas there; and here is the information that came out on March 21, 2000, from the BLM, Department of Interior, addressing the same issue. Here is what they said: "The BLM feels that motorized travel on these ways, most of which combine to form a popular loop trail, can continue in a manner that is compatible with resource protection as long as travel is restricted to the identified routes. Continued use, however, is contingent upon the curtailment of motorized travel off these ways and the completion of rehabilitation efforts to restore the areas. Over the next few weeks, the BLM price office will develop a set of standards and a monitoring protocol laying out what needs to happen to keep these vehicle ways open."

Now, I honestly think that I would much rather trust those folks on the ground who are doing it every day, who are in that area that the folks can talk to, the counties can talk to, the locals can talk to, they can trust it. So the amendment of the gentleman from New York (Mr. BOEHLERT) fits perfectly with what was said there.

So we find ourselves in a situation where the Secretary has moved in and made substantial restrictions in the Swell on where they can and cannot travel.

Now, I would worry a little bit because I think the amendment of the gentleman goes way too far because there are a lot of areas in there, and I appreciate his saying that, where people should have the opportunity to have travel. I mean, there are certain areas in there that are pretty well traveled that have good roads in them and people have to have that access in those areas.

□ 1315

I would respectfully point out that this amendment is not needed, because

we already have protection going in there. We already have the Secretary fully advised of it. We already have BLM working on it. I cannot see a reason to restrict what little bit of traffic there is left and some of the recreation that some people get by the gentleman's amendment.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, evidently my friend and the BLM think that this constitutes protection. That is the point. The BLM may say that it is compatible with use. It sounds like they are prejudging the results of their study. The fact of the matter is we should curtail this use now before further damage is done.

This is in the wilderness study area. This is in the wilderness study area. If my colleague could see these, he would have to admit this is damaging. The BLM has pointed out that the number one damage to this area in vegetation, in topography is from off-road vehicles.

Mr. HANSEN. I would concur with the gentleman from New Jersey that there are places in the Swell that people have violated and hurt it. There is no question about it. I am not sure they are in the Sid's Mountain area. I am a little familiar with that. It could be. I do not know. Some group could take those pictures. One can find those all through the West and the East where people violate. But on the other side of the coin we have professionals that are out there taking pictures, trying to find those areas, trying to work them. I would be happy to take the gentleman from New Jersey to some of those areas that at one time looked horrible look pretty good right now. Mother Nature is pretty good at restoring as long as somebody is standing there to help her. She is doing a good job. Frankly, I can see no reason for the gentleman's amendment. I know his heart is in the right place, but I think it would be more detrimental than it would be help to the area that we are working on. I think the gentleman from New York has come to that good middle ground that will solve this issue on OHVs.

Mr. HOLT. If the gentleman will yield further, the amendment of the gentleman from New York does not address what my colleague was speaking about a moment ago, the allowed areas of use. We all agree that there are appropriate areas for use. But the wilderness study area is not. I would welcome the opportunity to come and tour the area with all of my colleagues. But when I get there, this is not what I want to see. I do not want to see this destroyed wilderness.

Mr. HANSEN. The gentleman probably will not see that.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Utah (Mr. HANSEN) has expired.

(By unanimous consent, Mr. HANSEN was allowed to proceed for 1 additional minute.)

Mr. HANSEN. Mr. Chairman, let me just say, the Secretary is given the right to monitor these things. That is what we are doing here. I think he can probably do a better job than I can sitting back here in Washington, D.C., or anybody else. He has got people on the ground that are doing those things. He has agreed to do it. They have taken an extremely active part in this. The Secretary of the Interior buys into this legislation. He thinks it is a good idea; he feels we are finally resolving a very contentious issue. That OHV thing has been a thorn in our flesh for years. I agree with the gentleman. How do we handle these things? Little by little we are getting a good control on it, and I think in this bill we are getting the control.

Now, we can do this, we can just say, Let's just throw this whole thing wide open, let's not pass this bill, let's have unrestricted mining, let's have unrestricted OHVs, let's just desecrate the area. That is basically what we are going to get if we do not pass this bill. We have had some interesting discussion here today, but let us get together, get this thing passed, and give this area some good protection. That is what we are really trying to do.

Mr. CANNON. Mr. Chairman, I move to strike the requisite number of words.

Does the gentleman from New Jersey (Mr. HOLT) know where those pictures come from? We are dealing with various kinds of areas in this bill. Part of it is already wilderness study areas. I know that those come from the wilderness study area. But does he happen to know if they come from the remaining roads that are open or if they come from those areas that are now closed?

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, one of them comes from the San Rafael Reef inside the wilderness study area. The other comes from Red Wash inside Mexican Mountain. The point is, both of these are within the wilderness study area, and that is what we are trying to protect.

Mr. CANNON. Reclaiming my time, if I could just ask the question. The Secretary took action to close a large number of roads in this area, leaving four open. The question I am asking is, is this degradation? Are the pictures that we are dealing with from that massive area that has now been closed off, or is the gentleman suggesting that the remaining four roads are represented by the degradation in those pictures?

Mr. HOLT. It is my understanding that these are areas that are not closed under the Secretary's action.

Mr. CANNON. Let me point out that I think that those areas that the gentleman referred to in the pictures are now unavailable for access. Here is the problem, if I can just take a moment to help people understand this issue. It is

a little complex but not very much so. We have an area that was crisscrossed with roads and has been for a long time. There is some controversy about whether or not the counties have ownership of those roads.

In my mind there is no controversy. It is a matter of heavy-handed unilateral extreme groups trying to take advantage of vagueness in the law or a vagueness in the interpretation of the law in this current Department of the Interior to advance the idea that the rights to those roads do not exist. That debate has been terribly destructive to what is happening actually on the ground in the State of Utah. It has been very difficult. Now, because we have actually had this bill in the process of negotiation, the county has given an approval to the BLM to close roads that they have now closed that I think represent where that destruction has happened.

Here is the problem. We have got an area the size of the State of Connecticut, and we have one BLM enforcement officer to control that whole area. They cannot do it. They cannot control all that degradation with that many roads because when somebody gets outside some of these roads that are historic roads and gets off the trail, they have to be there to find out who did it and then they have to ticket them. The problem with that is not only finding the people but the excuse that they may be not actually off a road. So what BLM has done now has limited the actual area where an off-highway vehicle can go so that they can keep much better track of what is happening. The degradation the gentleman is talking about is in fact eliminated already just in anticipation of this bill. It has been done.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, let me say in response to what the gentleman from New Jersey was talking about, here is the emergency order here. It says, if I may read that: "Under the emergency order, all public lands, including vehicle ways are closed to OHVs in the Muddy Creek, Devil's Canyon, Crack Canyon, San Rafael Reef, Horseshoe Canyon and Mexican Mountain WSAs." The issue is resolved.

Mr. CANNON. Reclaiming my time and finishing up here, it occurs to me that there is some confusion on your side. I would assume that it is not a matter of distortion or petty fighting here; but the degradation that the gentleman is concerned about has been dealt with in the most dramatic fashion. It has already been done. Under the Boehlert amendment, the Secretary of the Department of the Interior continues to have the authority to monitor what is happening on those remaining roads and see if there is going to be degradation. But the degradation he is concerned about, what he is saying essentially is we want not only no

abuse but no use of these dramatic areas that have had roads for a very, very long period of time.

Mr. HOLT. If the gentleman will yield further, these are roadless wilderness study areas. This has not been dealt with in the most dramatic fashion. The most dramatic fashion would put an end to this.

Mr. CANNON. Reclaiming my time, when he says these are roadless wilderness areas, what does he mean? Is he talking about where the pictures are?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is referring to his amendment. This is not about precluding that as the gentleman characterized. The gentleman's amendment goes to wilderness study areas and to roadless areas. There is obviously a reason for that. One, you should not be punching into these roadless areas; and, two, the other one is that the reason it is a wilderness study area is because it is under study as to whether or not Congress in the future will so designate it. If you are running around it on ORVs, it is never going to be designated.

Mr. CANNON. Reclaiming my time, the problem we have here is that we have wilderness study areas around roadless areas.

Mr. GEORGE MILLER of California. That is right.

Mr. CANNON. The access by those roadless areas, these thousands of miles of roadless areas means that people can get off those roads and into areas where they cause degradation. That is what his pictures are of. What the BLM has already done is closed the vast majority of those roads so that the remaining roads, the major roads in the area can now be policed.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words. The point being, the gentleman from Utah is quite correct. This is the problem. This is why we worry. When we reject all these amendments and accept the bill or accept the bill with the Boehlert amendments, we are allowing additional wilderness areas to continue to suffer degradation by what goes on around them. As the gentleman points out, people go off, because this is not a place where it is clearly signed or it is fenced or it is any of these other things. People will go off sometimes because they innocently leave an area and sometimes because they are just simply irresponsible. But the fact of the matter is we know how this goes. I ride ORVs. My sons have done it. We race motorcycles. A trail becomes a road pretty soon. There is a new area and away people go.

The fact of the matter is if we are going to prevent that, we have got to have a policy. At least then people can see you designate it on the lands, on

the maps that they are wilderness study areas, you cannot go in there. Because while the Secretary precluded and closed some roads in the wilderness study areas, what he did not do was close the wilderness study areas to future activity. That is not what these regulations do. The Boehlert amendment with all due respect is the current law. It is the current law that has got us into this situation.

This Secretary, this BLM is the reason we are here today because for 10 years they have not figured out how to do this. Now they are saying trust us. We are saying, fine, we will trust you; but we are not going to trust you in terms of continuing to degrade the wilderness study areas. What the gentleman from New Jersey's amendment does is take those wilderness study areas and say you can ride ORVs everywhere else that the Secretary will agree to and the BLM in the other adjoining areas that are not protected; but stay out of here until Congress makes the determination. The same is true with roadless areas.

I think that that is a fair compromise. It is a fair compromise because it allows for the protection of these areas and allows for responsible continued ORV activities. That is why we should accept this amendment. With all due respect, the Boehlert amendment is the bill. The bill is the law, the current law. So we have not progressed at all except to leave it in the hands of the Secretary; and with all due respect, it is that 10 years that has given us these photographs that have taken place.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman understands that part of the reason that the BLM has not been able to avoid this kind of degradation is because there is some very clear claim. Granted it is obfuscated by the county as to the ownership of those roads and that whether or not you agree to every road, many of those roads are RS-2477 roads and the county has the right to them.

The gentleman would agree further, would he not, that in fact many of these roads have been shut down appropriately in conjunction with the county. The key factor here being that the county has worked with the BLM to solve the problem. Does the gentleman understand my question? In other words, the BLM has not been able to avoid this because of the rights of the county and the argument over that.

Mr. GEORGE MILLER of California. These are not designated wilderness. These are study areas. They can be withdrawn from study areas. That is how we resolve the conflict. But right now we leave those areas open and that is unacceptable.

Mr. CANNON. But we are not talking about new roads here, as the gentleman

has alluded to several times. These are roads, many of these roads, especially the ones that have been closed, are roads that have been there for a very long time.

Mr. GEORGE MILLER of California. In all cases we are not talking about roads. We are talking about ORV activity that does not in all due respect rise to the occasion of a road, but it rises to the occasion of degrading the area. This is not a fight over the county roads and who owns these roads. This is about a lot of activity that takes place like in the term off-road vehicle.

Mr. CANNON. We are not talking about asphalted roads here. We are talking about county right of ways.

Mr. GEORGE MILLER of California. I understand what the gentleman is talking about, but there is a clear distinction. We can go back to the photographs. The gentleman has seen it. I have been out in the area. I have witnessed it. This does not rise to the occasion of a trail or road. This rises to the occasion of random activities and riding through areas that are repeated time and again. That is the kind of protection that we are trying to provide in this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

AMENDMENT OFFERED BY MR. COOK

Mr. COOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOK:

In section 101(E)(2), before the period insert “, but shall not be used for commercial advertising and/or commercial bill boards”.

Mr. COOK. Mr. Chairman, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act as currently written could inappropriately spend Federal funds. The bill would appropriate Federal funding for various activities and administration for a total of \$1 million a year, not to exceed \$10 million total over the life of the project.

□ 1330

My fellow colleagues, I am concerned that the broad and loosely defined language in section 101 would allow for money to be used to purchase commercial billboards and other commercial advertising. Federal taxpayer money should not be used to subsidize commercial advertising, commercial billboards that will benefit only a small area.

I realize that by voice vote and on suspension this Congress has supported similar measures in the past; but appropriators will tell you that despite our prosperous economy, we are still faced with tight budgets and tight budget caps and we need to be very diligent as we appropriate these Federal funds and make sure they are managed properly. Therefore, I am offering an amendment that would prohibit any funds being used to promote commercial advertising or commercial billboards.

Mr. Chairman, Americans deserve better management of Federal funds used on the Nation's public lands, and H.R. 3605 can be made, I think, a sound conservation measure without any unnecessary Federal funding of these kinds of commercial promotions. To do otherwise, I think, would be poor economics and a bad usage of taxpayer money. I urge my colleagues to support my amendment.

Mr. HANSEN. Mr. Chairman, this side has reviewed the amendment of the gentleman from Utah (Mr. COOK) and has no problem with it. This side would accept the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, we have problems, but they do not rise to this occasion, so we support the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Utah (Mr. COOK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section;

SEC. __. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT. Mr. Chairman, it is a buy-American amendment. It is the sense of the Congress that any money expended be used where possible to buy American-made goods, there be a notice made to the people who get this money, and after it's all over and they do the buying, they tell us what they bought. Finally, one last provision I am adding that is new, if they violate

the law, they will get a rare bird disease that is "untweetable."

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, we accept the amendment of the gentleman from Ohio (Mr. TRAFICANT). We feel it is a good amendment. We accept it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the ranking member.

Mr. GEORGE MILLER of California. Mr. Chairman, we accept the amendment, tweetable or not.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); the underlying amendment offered by the gentleman from Colorado (Mr. UDALL); amendment offered by the gentleman from Washington (Mr. INSLEE); substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); and the underlying amendment offered by the gentleman from New Jersey (Mr. HOLT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 211, not voting 12, as follows:

[Roll No. 238]

AYES—212

Aderholt
Archer
Armey

Bachus
Baker
Ballenger

Barr
Barrett (NE)
Bartlett

Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss

Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul

Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traffant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano

Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel

Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee

Jackson (IL)	Menendez	Sanders
Jackson-Lee (TX)	Millender-McDonald	Sandlin
Jefferson	Miller, George	Sawyer
John	Minge	Saxton
Johnson, E. B.	Mink	Schakowsky
Jones (OH)	Moakley	Scott
Kanjorski	Mollohan	Serrano
Kaptur	Moore	Sherman
Kennedy	Moran (VA)	Shows
Kildee	Morella	Sisisky
Kilpatrick	Nadler	Slaughter
Kind (WI)	Napolitano	Smith (WA)
Klecza	Neal	Snyder
Klink	Oberstar	Spratt
Kucinich	Obey	Stabenow
LaFalce	Olver	Stark
Lampson	Ortiz	Stenholm
Lantos	Owens	Strickland
Larson	Pallone	Stupak
Lee	Pascrell	Tanner
Levin	Pastor	Tauscher
Lewis (GA)	Payne	Taylor (MS)
Lipinski	Pelosi	Thompson (CA)
Lofgren	Peterson (MN)	Thompson (MS)
Lowey	Phelps	Thurman
Lucas (KY)	Pickett	Tierney
Luther	Pomeroy	Towns
Maloney (CT)	Porter	Turner
Maloney (NY)	Price (NC)	Udall (CO)
Mascara	Rahall	Udall (NM)
Matsui	Ramstad	Velazquez
McCarthy (MO)	Rangel	Visclosky
McCarthy (NY)	Reyes	Waters
McDermott	Rivers	Watt (NC)
McGovern	Rodriguez	Waxman
McIntyre	Roemer	Weiner
McKinney	Rothman	Wexler
McNulty	Roybal-Allard	Weygand
Meehan	Rush	Wise
Meek (FL)	Sabo	Woolsey
Meeks (NY)	Sanchez	Wu
		Wynn

NOT VOTING—12

English	Markey	Skelton
Franks (NJ)	Nethercutt	Smith (MI)
Greenwood	Roukema	Sweeney
Houghton	Salmon	Vento

□ 1404

Mrs. CAPPS, Mrs. JONES of Ohio, Ms. VELAZQUEZ, Ms. HOOLEY of Oregon, and Messrs. SAXTON, CONYERS, STENHOLM, HALL of Texas, and TANNER changed their vote from “aye” to “no.”

Messrs. BAKER, HERGER, HEFLEY, HUTCHINSON, SANFORD, SHAYS, GILMAN, and LOBIONDO changed their vote from “no” to “aye.”

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 516, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO, AS AMENDED

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL), as amended.

The amendment, as amended, was agreed to

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wash-

ington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 12, as follows:

[Roll No. 239]

AYES—228

Abercrombie	Gephardt	Morella
Ackerman	Gilman	Murtha
Allen	Gonzalez	Nadler
Andrews	Gordon	Napolitano
Baca	Green (TX)	Neal
Baird	Gutierrez	Oberstar
Baldacci	Hall (OH)	Obey
Baldwin	Hastings (FL)	Olver
Barrett (WI)	Hill (IN)	Ortiz
Bass	Hilliard	Owens
Becerra	Hinchey	Pallone
Bentsen	Hinojosa	Pascrell
Berkley	Hoeffel	Pastor
Berman	Holden	Payne
Berry	Holt	Pease
Bilbray	Hooley	Pelosi
Bishop	Horn	Peterson (MN)
Blagojevich	Hoyer	Phelps
Blumenauer	Inslee	Pickett
Bonior	Jackson (IL)	Pomeroy
Borski	Jackson-Lee (TX)	Porter
Boswell	Jefferson	Price (NC)
Boucher	John	Rahall
Boyd	Johnson (CT)	Ramstad
Brady (PA)	Johnson, E. B.	Rangel
Brown (FL)	Jones (OH)	Reyes
Brown (OH)	Kanjorski	Rivers
Campbell	Kaptur	Rodriguez
Capps	Kennedy	Roemer
Capuano	Kildee	Rothman
Cardin	Kilpatrick	Roybal-Allard
Carson	Kind (WI)	Rush
Castle	Klecza	Sabo
Clay	Klink	Sanchez
Clayton	Kucinich	Sanders
Clement	LaFalce	Sandlin
Clyburn	Lampson	Sawyer
Condit	Lantos	Saxton
Conyers	Larson	Schakowsky
Costello	Lazio	Scott
Coyne	Leach	Serrano
Cramer	Lee	Shays
Crowley	Levin	Sherman
Cummings	Lewis (GA)	Shows
Danner	Lipinski	Sisisky
Davis (FL)	LoBiondo	Slaughter
Davis (IL)	Lofgren	Smith (NJ)
Davis (VA)	DeFazio	Smith (WA)
DeGette	Lucas (KY)	Snyder
Delahunt	Luther	Spratt
DeLauro	Maloney (CT)	Stabenow
Deutsch	Maloney (NY)	Stark
Dicks	Mascara	Stenholm
Dingell	Matsui	Strickland
Dixon	McCarthy (MO)	Stupak
Doggett	McCarthy (NY)	Tanner
Dooley	McDermott	Tauscher
Doyle	McGovern	Taylor (MS)
Edwards	McIntyre	Thompson (CA)
Ehlers	McKinney	Thompson (MS)
Engel	McNulty	Thurman
Eshoo	Meehan	Tierney
Etheridge	Meek (FL)	Towns
Evans	Meeks (NY)	Turner
Farr	Menendez	Udall (CO)
Fattah	Millender-McDonald	Udall (NM)
Filner	Miller, George	Upton
Forbes	Minge	Velazquez
Ford	Mink	Visclosky
Frank (MA)	Moakley	Waters
Frelinghuysen	Mollohan	Watt (NC)
Frost	Moore	Waxman
Ganske	Moran (VA)	Weiner
Gejdenson		Wexler

Weygand	Wolf	Wu
Wise	Woolsey	Wynn
	NOES—194	
Aderholt	Gillmor	Packard
Archer	Goode	Paul
Armey	Goodlatte	Peterson (PA)
Bachus	Goodling	Petri
Baker	Goss	Pickering
Ballenger	Graham	Pitts
Barcia	Granger	Pommo
Barr	Green (WI)	Portman
Barrett (NE)	Gutknecht	Pryce (OH)
Bartlett	Hall (TX)	Quinn
Barton	Hansen	Radanovich
Bateman	Hastings (WA)	Regula
Bereuter	Hayes	Reynolds
Biggett	Hayworth	Riley
Bilirakis	Hefley	Rogan
Bliley	Herger	Rogers
Blunt	Hill (MT)	Rohrabacher
Boehlert	Hilleary	Ros-Lehtinen
Boehner	Hobson	Royce
Bonilla	Hoekstra	Ryan (WI)
Bono	Hostettler	Ryun (KS)
Brady (TX)	Hulshof	Sanford
Bryant	Hunter	Scarborough
Burr	Hutchinson	Schaffer
Burton	Hyde	Sensenbrenner
Buyer	Isakson	Sessions
Callahan	Istook	Shadegg
Calvert	Jenkins	Shaw
Camp	Johnson, Sam	Sherwood
Canady	Jones (NC)	Shimkus
Cannon	Kasich	Shuster
Chabot	Kelly	Simpson
Chambliss	King (NY)	Skeen
Chenoweth-Hage	Kingston	Smith (TX)
Coble	Knollenberg	Souder
Coburn	Kolbe	Spence
Collins	Kuykendall	Stearns
Combest	LaHood	Stump
Cook	Largent	Sununu
Cooksey	Latham	Talent
Cox	LaTourette	Tancredo
Crane	Lewis (CA)	Tauzin
Cubin	Lewis (KY)	Taylor (NC)
Cunningham	Linder	Terry
Deal	Lucas (OK)	Thomas
DeLay	Manzullo	Thornberry
DeMint	Martinez	Thune
Diaz-Balart	McCollum	Tiahrt
Dickey	McCrery	Toomey
Doolittle	McHugh	Trafficant
Dreier	McInnis	Vitter
Duncan	McIntosh	Walden
Dunn	McKeon	Walsh
Ehrlich	Metcalf	Wamp
Emerson	Mica	Watkins
Everett	Miller (FL)	Watts (OK)
Ewing	Miller, Gary	Weldon (FL)
Fletcher	Moran (KS)	Weldon (PA)
Foley	Myrick	Weller
Fossella	Ney	Whitfield
Fowler	Northup	Wicker
Gallegly	Norwood	Wilson
Gekas	Nussle	Young (AK)
Gibbons	Ose	Young (FL)
Gilchrest	Oxley	

NOT VOTING—12

English	Markey	Skelton
Franks (NJ)	Nethercutt	Smith (MI)
Greenwood	Roukema	Sweeney
Houghton	Salmon	Vento

□ 1414

Mr. CALVERT changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 214, not voting 11, as follows:

[Roll No. 240]

AYES—210

Aderholt	Gilchrest	Packard
Archer	Gillmor	Paul
Armey	Gilman	Pease
Bachus	Goode	Peterson (PA)
Baker	Goodlatte	Petri
Ballenger	Goodling	Pickering
Barcia	Goss	Pickett
Barr	Graham	Pitts
Barrett (NE)	Granger	Pombo
Bartlett	Green (WI)	Portman
Barton	Gutknecht	Pryce (OH)
Bass	Hansen	Quinn
Bateman	Hastert	Radanovich
Bereuter	Hastings (WA)	Regula
Biggert	Hayes	Reynolds
Bilbray	Hayworth	Riley
Bilirakis	Hefley	Rogan
Bliley	Herger	Rogers
Blunt	Hill (MT)	Rohrabacher
Boehrlert	Hilleary	Ros-Lehtinen
Boehner	Hobson	Royce
Bonilla	Hoekstra	Ryan (WI)
Bono	Horn	Ryun (KS)
Boyd	Hostettler	Sanford
Brady (TX)	Hulshof	Saxton
Bryant	Hunter	Scarborough
Burr	Hutchinson	Schaffer
Burton	Hyde	Sensenbrenner
Buyer	Isakson	Sessions
Callahan	Istook	Shadegg
Calvert	Jenkins	Shaw
Camp	Johnson (CT)	Shays
Canady	Johnson, Sam	Sherwood
Cannon	Jones (NC)	Shimkus
Castle	Kasich	Shuster
Chabot	Kelly	Simpson
Chambliss	King (NY)	Skeen
Chenoweth-Hage	Kingston	Smith (TX)
Coble	Knollenberg	Souder
Coburn	Kolbe	Spence
Collins	Kuykendall	Stearns
Combest	LaHood	Stump
Cook	Largent	Sununu
Cooksey	Latham	Talent
Cox	LaTourette	Tancred
Crane	Lazio	Tauzin
Cubin	Lewis (CA)	Taylor (NC)
Cunningham	Lewis (KY)	Terry
Davis (VA)	Linder	Thomas
Deal	Lucas (OK)	Thornberry
DeLay	Manzullo	Thune
DeMint	Martinez	Tiahrt
Diaz-Balart	McCollum	Toomey
Dickey	McCrery	Trafficant
Doolittle	McHugh	Upton
Dreier	McInnis	Vitter
Duncan	McIntosh	Walden
Dunn	McKeon	Walsh
Ehrlich	Metcalfe	Wamp
Emerson	Mica	Watkins
Everett	Miller (FL)	Watts (OK)
Ewing	Miller, Gary	Weldon (FL)
Fletcher	Moran (KS)	Weldon (PA)
Foley	Myrick	Weller
Fossella	Ney	Whitfield
Fowler	Northup	Wicker
Galleghy	Norwood	Wilson
Ganske	Nussle	Wolf
Gekas	Ose	Young (AK)
Gibbons	Oxley	Young (FL)

NOES—214

Abercrombie	Baca	Barrett (WI)
Ackerman	Baird	Becerra
Allen	Baldacci	Bentsen
Andrews	Baldwin	Berkley

Berman	Hinojosa	Olver
Berry	Hoefel	Ortiz
Bishop	Holden	Owens
Blagojevich	Holt	Pallone
Blumenauer	Hooley	Pascarell
Bonior	Hoyer	Pastor
Borski	Inslee	Payne
Boswell	Jackson (IL)	Pelosi
Boucher	Jackson-Lee	Peterson (MN)
Brady (PA)	(TX)	Phelps
Brown (FL)	Jefferson	Pomeroy
Brown (OH)	John	Porter
Campbell	Johnson, E. B.	Price (NC)
Capps	Jones (OH)	Rahall
Capuano	Kanjorski	Ramstad
Cardin	Kaptur	Rangel
Carson	Kennedy	Reyes
Clay	Kildee	Rivers
Clayton	Kilpatrick	Rodriguez
Clement	Kind (WI)	Roemer
Clyburn	Klecza	Rothman
Condit	Klink	Roybal-Allard
Conyers	Kucinich	Rush
Costello	LaFalce	Sabo
Coyne	Lampson	Sanchez
Cramer	Lantos	Sanders
Crowley	Larson	Sandlin
Cummings	Leach	Sawyer
Danner	Lee	Schakowsky
Davis (FL)	Levin	Scott
Davis (IL)	Lewis (GA)	Serrano
DeFazio	Lipinski	Sherman
DeGette	LoBiondo	Shows
Delahunt	Lofgren	Sisisky
DeLauro	Lowe	Skelton
Deutsch	Lucas (KY)	Slaughter
Dicks	Luther	Smith (NJ)
Dingell	Maloney (CT)	Smith (WA)
Dixon	Maloney (NY)	Snyder
Doggett	Mascara	Spratt
Dooley	Matsui	Stabenow
Doyle	McCarthy (MO)	Stark
Edwards	McCarthy (NY)	Stenholm
Ehlers	McDermott	Strickland
Engel	McGovern	Stupak
Eshoo	McIntyre	Tanner
Etheridge	McKinney	Tauscher
Evans	McNulty	Taylor (MS)
Farr	Meehan	Thompson (CA)
Fattah	Meek (FL)	Thompson (MS)
Filner	Meeks (NY)	Thurman
Forbes	Menendez	Tierney
Ford	Miller	Towns
Frank (MA)	McDonald	Turner
Frelinghuysen	Miller, George	Udall (CO)
Frost	Minge	Udall (NM)
Gejdenson	Mink	Velazquez
Gephardt	Moakley	Visclosky
Gonzalez	Mollohan	Waters
Gordon	Moore	Watt (NC)
Green (TX)	Moran (VA)	Waxman
Gutierrez	Morella	Weiner
Hall (OH)	Murtha	Wexler
Hall (TX)	Nadler	Weygand
Hastings (FL)	Napolitano	Wise
Hill (IN)	Neal	Woolsey
Hilliard	Oberstar	Wu
Hinchey	Obey	Wynn

NOT VOTING—11

English	Markey	Smith (MI)
Franks (NJ)	Nethercutt	Sweeney
Greenwood	Roukema	Vento
Houghton	Salmon	

□ 1431

Messrs. TAYLOR of Mississippi, LUCAS of Kentucky and HALL of Texas changed their vote from "aye" to "no."

Messrs. THOMAS, RADANOVICH, and GILMAN and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HANSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on

the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted an open rule for H.R. 4576, the fiscal year

2001 Department of Defense Appropriations Act.

The rule waives all points of order against consideration of the bill. It provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H. Res. 514 is an open rule for a strong bipartisan bill. In fact, the Committee on Appropriations approved this bill 2 weeks ago by voice vote and without an amendment.

I have always admired the patriotism and dedication of our military personnel, especially given the poor quality of military life for our enlisted men and women; but today we are doing something to improve military pay, housing, and benefits.

We are helping to take some of our enlisted men off of food stamps by giving them a 3.7 percent pay raise, and we are offering \$163 million in enlistment and reenlistment bonuses. They are called bonuses, but they earn them.

To follow through on our health care promises to our service men and women, we are providing a 1-year 9 percent increase in health care resources. A good portion of these funds will go to improve care for our military retirees who have never been given the treatment that they deserve.

At the same time, we are boosting the basic allowance for housing so that our military families do not have to pay as much out of their own pockets.

Along with personnel, we have to take care of our military readiness. We live in a dangerous world, and Congress is working to protect our friends and families back home from our enemies abroad. We are providing for a national missile defense system so that we can stop a warhead from places like China or North Korea or Iraq if that day ever comes.

We are boosting the military's budget for weapons and ammunition. We are providing \$40 billion for research and development so our forces will have top-of-the-line equipment for their job.

I urge my colleagues to support the rule and to support the underlying bill, because now more than ever we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and in strong support of the Department of Defense appropriations for fiscal year 2001. This bill provides \$288.5 billion in budget authority for the programs of the Department of Defense, the very programs that ensure the security of this Nation and which, in large part, enable our country to keep the peace and remain the leader of the free world.

Mr. Speaker, this bill reflects the understanding of both Democrats and Republicans for the need to ensure that our national defense is second to none.

□ 1445

This bill also reflects the understanding that in order for our military to maintain its global superiority, it is necessary to make substantial financial commitments in order to restructure our Cold War forces to meet the challenges of the 21st century. This bill addresses serious readiness deficiencies and equipment modernization shortfalls that have seriously strained the ability of our military forces to meet the demands of the many missions they undertake.

I am pleased to support this revitalization of our armed forces. Among the important provisions of this bill, Mr. Speaker, is a 3.7 percent military pay raise and \$12.1 billion for the Defense Health Program, which provides monies not only for active duty personnel and their families, but also to an unfortunately limited extent military retirees and their dependents. This bill does make positive strides in expanding prescription drug coverage for Medicare eligible military retirees but falls short in providing for a permanent health care system for military retirees.

While I appreciate the fact that the bill contains a provision requiring the submission of a plan to Congress by an independent oversight panel no later than December 31, 2002, I would encourage the subcommittee to at least consider including the language of the Taylor amendment in a conference agreement since this amendment was agreed to by an overwhelming vote of 406 to 10 during the DOD authorization debate. We have made a promise to our military retirees, and it is time for us to keep it.

Mr. Speaker, this bill also continues the commitment to a wide range of weapons programs that will ensure our continued military superiority in the skies, on land, as well as at sea. I am particularly pleased this bill includes \$2.15 billion for the procurement of 10 F-22 Raptors, the next generation Air Force fighter that will assure our continued dominance in any air campaign against any foe in the future with air-to-air and air-to-ground capabilities. The bill also provides \$396 million in advance procurement and sets aside an

additional \$1.411 billion for research, development, test and evaluation of the F-22.

The bill also includes \$1.1 billion for the procurement of 16 V-22 Osprey tilt-rotor aircraft for the Marine Corps, \$336 million for 4 Air Force V-22s, and an additional \$148 million for research and development on this important addition to our military arsenal. In addition, the bill provides \$249 million for various F-16 modifications.

Mr. Speaker, during the recent recess in April, I had the opportunity to travel to Bosnia and Kosovo to see firsthand the dedication of the men and women of our military who are serving there. I had the privilege of visiting some of the National Guardsmen from the State of Texas who are serving in Bosnia to see how they are faring under very difficult circumstances. I can say, Mr. Speaker, that these troops are doing a remarkable job and are fully aware of the importance and necessity of their mission.

However, as I mentioned in the Committee on Rules yesterday, this bill does nothing to fund the missions that we have undertaken in Bosnia and Kosovo. Mr. Speaker, it is vital that funds to reimburse the Department of Defense for expenditures already made to meet our obligations in that region be included. It is simply not responsible to delay this funding, forcing the Defense Department to face shortfalls in critical operations and maintenance accounts during the last quarter of fiscal year 2000.

I was certainly gratified when the chairman and ranking member of the committee assured me yesterday during the hearing before the Committee on Rules that this funding would most likely be included in the conference agreement on the military construction appropriations measure no later than August 1, and I know of their commitment to making the Department whole. However, Mr. Speaker, I think it is important that we all understand that American men and women are serving an important mission in Bosnia and Kosovo and this Congress has the responsibility to provide the money to make this mission a success without shortchanging other programs within DOD.

I spoke with a representative of the Army this morning who told me that the Army faces a very bleak picture in the fourth quarter of this fiscal year if this money is not provided forthwith. It is unfortunate that this legislation is on the floor without addressing the money for Kosovo and Bosnia. Because if this money is not provided as an add-on to the military construction appropriation later this summer, the Defense Department and the Army, specifically, will be forced to curtail, drastically curtail, training and other activities that are critical to the success of their mission.

Mr. Speaker, this is a good bill; and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would share with my colleagues that I believe we have a very fair rule and also a very strong bipartisan bill that is coming to the House floor that will serve the national security needs of those men and women who serve in our armed forces.

I want to compliment the Committee on Appropriations. I think the chairman and the ranking member did a very good job in working with the authorizing committee. I have not seen this type of cooperation in the 8 years I have served here in Congress. Sometimes we get conflict between the authorizing and the appropriating committees, but in this case I extend great compliments on their work.

Let me first speak about the quality of life. Despite 5 years of sustained efforts to improve the quality of living for U.S. military personnel and their families, service members continue to voice their displeasure with the military life by leaving the force, which is very bothersome to many of us. As a result, each of the services has experienced significant recruiting and retention problems, threatening the strength and readiness of the all-volunteer force.

The authorizing and the appropriation committees recognize the great personal sacrifices made by U.S. service members and have focused quality-of-life improvements in two areas: one, reforming the Defense Health Program and, number two, sustaining the viability of the all-volunteer force.

While efforts in these areas in recent years have been substantial, there are no silver bullets to end the quality-of-life challenges facing the U.S. military. It will require a commitment to a long-term battle against these challenges if America is to sustain the world's foremost military force. It is with this commitment that the committees recommended a quality-of-life package that will improve the military health care system, provide for fair compensation, support the morale, welfare and recreational programs, and improve the facilities for which the military personnel live and work. We also are working on sustaining the proper weapon systems that they need.

Let me speak for a moment about the military health delivery system. Again, I extend compliments to the appropriators, because what we are trying to do here is put our arms around all of these different programs that are out there, and specifically with regard to the military retiree. Now, all of us here in this body have heard from our constituents about the TRICARE System. As we seek to implement TRICARE, we have had hiccups and little burps here and there with that system, and it has been difficult. We have sought to make improvements. And I appreciate the support of the appropriators. We are going to work to create savings in the claims processing area,

which will save \$500 million and then will be poured back into the system.

Now, what about the military retiree? The military retiree is disgruntled, and rightfully so. The question is whether or not we as the Federal Government are fulfilling our obligation to the military retiree, given the sacrifices that they have given on behalf of the Nation. With the expectation that they would receive health care benefits for life, have we been fulfilling that requirement? The answer is no.

When the military retiree retired and lived next to that military base during the 1970s, 1980s and into the early 1990s, there was a comfort zone. Even though they were turning 65, they gained access to the medical treatment facilities despite in law that they would be triggered into the Medicare program. When we went through the base closure process, they were triggered directly into Medicare, and they did not gain access to the medical treatment facilities. So they came to Congress.

Congress is fishing for the right answer. We create different types of pilot programs, and we struggle with them and try to figure out what is the best way to provide relief in the system. I believe we have come close to finding the right answer, and that is we have put our arms around these pilot programs and we extend them to 2003. We sunset the programs. We have created the commission to examine it; and in the meantime, what we can deliver is the pharmacy benefit. I appreciate the appropriators for funding the pharmacy benefit to the military retiree. It is a generous benefit.

What was bothersome to the military retiree was that they felt that because of their sacrifice and the protections of the freedoms and liberties that we enjoy in our Nation, that perhaps they should be treated a little differently. So it bothered them that they were then taken and thrown right into the Medicare system back in 1965, which many of them did not even realize until the early 1990s. So now, as Congress is presently about to deliver a pharmacy benefit that is different from the Medicare population, it is a richer benefit, the last thing we should do is now say, oh, every grandma and grandpa who never served in the military should now be treated just as if they had served in the military.

What a curious thing. I think some people in this body look out the window and think, well, everybody should drive the same kind of car and should be treated the same way. False. I just wanted to bring this up because it was not long ago, about 10 days ago, that the President endorsed that. Well, of course he endorses it, because he thinks everybody should be treated alike in this country. That is false. There are different people who have done different things.

So I want to compliment the appropriators who have said, yes, we are going to follow the lead from the authorizing committee; and we are going

to fund the pharmacy benefit for the military retirees, which they rightfully deserve.

I also want to share that we are providing a 3.7 percent military pay raise that has been funded; also \$163 million for the reenlistment bonuses. Those are extremely important. We provide \$64 million for the basic housing allowance. I think many of us wish that the numbers could be higher in that regard, but the more monies we can move directly into the pockets of our soldiers, sailors, airmen, and Marines is extremely important. The more money we get in the pocket, and especially tax free, the more we can actually help them.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let me plead guilty to one of the accusations that was leveled by the previous speaker. I do believe that older people who are sick should have their prescription drugs covered. The fact that there are 70- and 80-year-old women who did not serve in the armed forces and who cannot afford their prescription medicine does not seem to me a good reason to deny them a prescription drug benefit under Medicare. So I will plead guilty to that accusation.

Indeed, that is one of the reasons why I am opposed to this bill. Much of what it does is very important, the pay increase and the improvement in the living conditions for the people; but it maintains an effort to fund inadequately an extremely flawed strategy. Obviously, we should provide the funds necessary to carry out what we say we are going to do militarily. The problem is we say we are going to do too much. We continue to err by keeping large numbers of troops in Western Europe when our Western European allies are well enough financed to be able to do this on their own. We continue to hold to an obsolete two-war theory. We continue to fund weapons whose idea began in the Cold War.

□ 1500

So, yes, I want an adequately funded military. I want one with a margin of safety. I want the United States to be as it has been and will continue to be by far the strongest Nation in the world. But we make a mistake when we overreach and then use the overreach as an excuse to overspend. And there we have also, of course, the tendency of people, particularly in the Senate, to add weapons whose primary justification is not the enemy they will confront but the constituents they will comfort.

We have nuclear attack submarines that we are going to fund, and I have not yet been able to have anyone explain to me who the enemy is. They are wonderful weapons. But the fact that they are so technologically skilled is not enough of a justification to have them. It is unlikely that they are going

to encounter Iranian, Libyan, or North Korean submarines that they have to encounter.

This bill will spend more than half of the money available to the Federal Government in discretionary accounts. And prescription drugs are relevant. Because the people who support this bill are telling us, on the other hand, some of them, that we cannot afford prescription drugs, that we cannot afford to send money to build schools, that we cannot afford more police on the streets, that we cannot afford more effective cleanup.

This bill overspends to defend the people of Western Europe against non-existent threats when they can afford to do it themselves. It overspends on weapons whose political justification far exceeds their military justification. It overspends to fund outdated theories that date from the Cold War. And, consequently, it requires us to underspend on important domestic priorities.

The bill ought to be defeated and sent back to the committee. It increases by tens of billions of dollars over last year, and that comes directly out of every other appropriation bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would advise everyone that it is no secret that the Republicans are putting together the plan to derive a pharmacy benefit for the over-65 individuals of whom are most needy; and we are not ashamed of that at all.

I will also say that what a curious thing it is that we will always have a critic that will always question a weapons system that will say, well, what is the purpose of that? It has never shot a nuclear missile?

My colleagues, we had a B-2 bomber, this is called the Spirit of Indiana, and I dedicated that B-2 bomber in Indiana; and when I dedicated it, I prayed that it would never drop a bomb.

Now, why would we ever build a billion-dollar weapon system and pray that it would never drop a bomb? Because it is a deterrent.

A police officer, when he carries a weapon, I say to the gentleman from Massachusetts (Mr. FRANK), he says a prayer that he never has to use his weapon. When he pulls that weapon, he does not say, I want to brandish it, I want to threaten, actually, I want to pull the trigger and shoot and kill someone because it is going to make me feel good. No. It is used as a deterrent. We have different weapon systems out there that are used as a deterrent, and they are extremely important.

For the gentleman to question to say, why are we building nuclear weapons, in fact, that we are never going to use them, and then to say that we have other domestic priorities is ridiculous and rather silly.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, in the first place, I did not question nuclear weapons. I questioned nuclear submarines, attack submarines.

Obviously, we should have nuclear weapons. I want us to keep most of them. My point was nuclear attack submarines had a Cold War justification; and given the state of the enemy that we are likely to confront today, the smaller, poorly armed, evil-minded states, nuclear attack submarines are a waste of money and do take away from other things.

Mr. BUYER. Mr. Speaker, reclaiming my time, the Russian Bear has been replaced by a thousand Vipers; and we have to be leaning forward and be very prepared and be very ready because we do not know who is going to be the next threat.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, I want to say first of all that I think this is a very fine rule that allows the House to work its will on this very important legislation. I think this is an exceptionally good bill.

First of all, I want to compliment the gentleman from California (Mr. LEWIS), our chairman, and the gentleman from Pennsylvania (Mr. MURTHA), our ranking Democrat, for their excellent leadership on this particular bill.

One of the things that I think stands out in my mind about this bill is the fact that we are moving forward the Army's program to transform Army brigades to a new medium configuration that can be deployed within 96 hours anywhere in the world on a C-130 or, better, on a C-17. I am very pleased that the Army has selected Ft. Lewis, Washington, as the place to do this transformation of two of these brigades.

I think the Army is correct to try to have a more deployable force. We saw the problems in Kosovo with the Apaches, first of all the inability to deploy them for some period of time, and then the fact that they were not prepared when they got there to be utilized. I think that is a serious problem for the Army that we must confront.

I would only say to my friend, the gentleman from Massachusetts (Mr. FRANK), that attack submarines, by the way, were just given a scrub by the Joint Chiefs of Staff. They think the fact that we only have 50 is a serious mistake. They think we should have about 68. We will be very fortunate if we can keep 57 attack submarines.

Now, I would point out to the gentleman that there is an ASW role for attack submarines. There is a special forces role for attack submarines. There is a very important intelligence role. And they are very crucial in any kind of a war-fighting scenario against any country. Anytime somebody has a ship at sea, an attack submarine is the last thing they want to confront. So I

think they still have a very important utilization.

One of the things that I worked on, and I see my good friend from Texas and my good friend from California here on the floor, has been the effort to modernize our bomber force. In this whole defense debate, I do believe the one serious mistake we are making is not adequately funding our bomber force.

I was particularly proud of the fact that the B-2 bomber was utilized, along with the B-1s and the B-52s, in the war in Kosovo and Yugoslavia. Many of us read the report in Newsweek that talked about the difficulty against relocatable targets. Well, I will tell my colleagues this, that the B-2 with the 2,000-pound JDAMs was used against fixed targets and it was extremely accurate and extremely effective.

In fact, we are now going to, with the money that is in this bill, put a new bomb rack on the B-2s and we are going to be able to put 80 500-pound JDAMs on each of these planes. And they will all be independently targetable. We will be able to take out 80 separate targets in one sortie. I mean, this is revolutionary.

We are also adding capability with Link 16 to give the B-2 not only the ability to go deep underground but also to go against relocatable targets and, with the use of submunitions, to go against advancing armor. This will turn out to be the most impressive, the most important conventional weapon ever developed by the United States or by any military force in the history of mankind. I am proud that the Congress, this House, four times voted with the gentleman from Washington on this particular issue.

I think we have been vindicated by those who said it could not fly in the rain. By the way, in Yugoslavia, it was the only plane that did fly in the rain that could drop bombs because we were using the GPS system, which does not rely on laser guidance. So I am very proud of the fact that we continue the modernization of the B-2 with some adds in this particular bill to give it even greater capability. Its mission planning has been improved. We were giving it a multitude of bombs that it can handle. It will be a conventional weapon that I think allows us to make some reductions under START I, under START II, and eventually under a START III agreement in the number of nuclear weapons that we need for deterrent purposes.

I think it is much more important to have conventional weapons that we can utilize. It is true that deterrence is based on weapons like the Trident submarine, which I have been a major supporter of. But we are not going to use those weapons. In fact, I hope that we can take the four Tridents that we are downsizing and use them for conventional purposes, to add a conventional capability with Tomahawk to those four Tridents and maybe using two of them for special forces operations.

So I think there are many good things.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in strong support of this rule and H.R. 4576.

Mr. Speaker, this is the first year that the President has brought us a reasonable defense budget for consideration. Over the last 7 years, the President's budget has failed the military service chiefs and our fighting men and women in uniform. While the President's budget was reasonable this year, it still failed our arms services to the tune of \$16 billion, according to what the service chiefs have told us.

However, under the leadership of the gentleman from California (Chairman LEWIS), the House has once again added funding to support our defense requirements. While still living within a balanced budget, we have added \$4 billion to the President's defense request. This was used to fund much-needed programs.

For instance, the B-2 bomber that my friend the gentleman from Washington (Mr. DICKS) just spoke about was the central part of the success story from the air war in Kosovo. The B-2's success in this conflict underscored our need for an adequate and modern bomber fleet.

We also learned some very important lessons about the effectiveness of our smart bombs during the war and we learned we had some shortcomings. We found that there are changes that could be made that would make our bomber fleet more effective. One of those was to add 500-pound bomb capabilities instead of just the 2,000-pound bombs. We used to talk about how many planes it would take to take out a target. Now we are talking about how many targets one plane can take out.

Unfortunately, the President failed to fund the research and development of the 500-pound JDAM and the 500-pound JDAM bomb rack even though the service chiefs had told us that that was a high requirement.

It was under the leadership of the gentleman from California (Chairman LEWIS) that funding was added for these upgrades and advancements. In total, the committee added funding of \$96 million for upgrades on the B-2. These include the Link 16 upgrades that will modernize the cockpit and allow for in-flight replanning, research, and development of the 500-pound JDAM and the integration on the B-2.

The flights that we had over Kosovo were actually 30-hour flights that went from the State of Missouri. And when we are on long missions like that, sometimes changes are made in the planning. These Link 16 upgrades will allow for that. With the success of the B-2, these upgrades will allow our military to exert further strength and keep freedom and peace abroad, thus making B-2 truly the Spirit of America.

This is just one program of many that the committee has seen fit to fund at the level it needs. Faced with a very difficult task, the committee found a way to ensure that our forces are taken care of and our national security remains strong. I congratulate them for this bill, and urge a yes vote on this rule and on the legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is time that we in Congress get our priorities straight. Today, despite the so-called economic boom, tens of millions of Americans are working longer hours for lower wages than was the case 25 years ago. They are working two jobs or they are working three jobs and they are desperately trying to keep their heads above water.

In the United States today, 44 million Americans have no health insurance, and millions more are underinsured. The United States has the greatest gap in the industrialized world between the rich and the poor, and 20 percent of our children live in poverty, the highest child poverty rate of any major country.

Millions of senior citizens in this country and middle-income families cannot afford the prescription drugs they need, and the U.S. Congress has made the health care crisis even worse by cutting in 1997 several hundred billion dollars from Medicare. Throughout this country, veterans who put their lives on the line defending this Nation are unable to get the quality health care they need and deserve.

In the United States today, we are experiencing an affordable housing crisis, with millions of hard-working families paying more than 50 percent of their limited incomes just to pay the rent; and some of the more unfortunate low-income workers are people sleeping out on the streets or in their automobiles.

In this country we talk a whole lot about education, but millions of American middle-class families cannot afford to send their kids to college and many of our kids who graduate find themselves deeply in debt.

In other words, Mr. Speaker, the middle class of this country, the working families, our senior citizens, our veterans, our young people, low-income people, have some very serious problems.

□ 1515

Unfortunately, when these constituents cry out to Congress and ask for help, they are told over and over again that there is just no money available to help them, that we just do not have the resources. But when it comes to military spending, it appears that the defense contractors who want to design the most exotic and expensive weapons systems in the history of the world are

able to obtain all of the funding they want. When it comes to defense spending, we apparently have billions to spend on the construction of a national missile defense system that many scientists believe will not work and is not needed; billions to spend on aircraft carriers and fighter planes that just coincidentally are built in the States and districts of powerful Members of Congress; billions to spend on military projects that coincidentally are built by contractors who contribute huge sums of money to both political parties. When it comes to military spending, we apparently have the resources to increase the defense budget by 7 percent, a \$22 billion increase from last year.

Mr. Speaker, I believe that the U.S. needs a strong and superior military system. We must be prepared for the new threats and challenges that lie ahead. We must provide decent pay, good housing, good quality health care and child care and other vital services to our men and women in uniform.

We must do a much better job than at present in understanding the cause of Gulf War illness which is why I am offering an amendment later on in this bill so that we can better understand the cause of that illness which is affecting 100,000 Americans.

But the bottom line, Mr. Speaker, is enough is enough. Today when we look at our military budget, it is not just that we spend more than 18 times as much as the military spending of all of our potential adversaries combined; but when we combine our spending with NATO, who will be our allies in any major international conflict, the numbers are absolutely incredible. The bottom line is that we as a Nation have got to get our priorities right. There is a limited sum of money out there, and we must make sure that we spend it appropriately. We cannot turn our backs on our seniors, on working people, on the children and simply look toward the military budget.

I would ask that this bill be defeated, sent back to the committee and brought forth again for a more appropriate response.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I want to take with my short time maybe a little bit different tack here. I want to speak on the rule for just a minute or two. I think this is a good rule. I want to associate myself with the remarks of the gentleman from Washington (Mr. DICKS) earlier from the other side who took some time to talk to the rule and to the bill. I think that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have taken great effort to fashion a bill that warrants debate. The rule this afternoon allows for that kind of debate to take place here in the House and offers

everybody an opportunity should they wish to be heard on that. I suggest to Members that they approve the rule.

On the bill, itself, Mr. Speaker, we find increasingly here in the House that nothing is easy when we are talking about appropriations bills. We are asked increasingly to do more with less, whether we are talking about this bill or any of the others that will come these next few weeks and months. I happen to believe that our priorities in this case are appropriate. I think as I said on the rule issue a few moments ago that some time and energy has taken place here to make sure that we do have a bipartisan bill for us to look at.

We have a bipartisan opportunity for us to talk about what should be done and what should not be done, but when we are talking about money and when we are talking about taxpayers' money and priorities, I believe that this time around we are going to offer the House an opportunity to vote affirmatively on a bill that has those priorities in place. Whether we are talking about those of us who want to geographically cast ourselves from the Northeast and the Midwest and the West and the South, I think that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have taken that time, have listened to their members, they have listened not only to the members on the subcommittee and the full committee, but they have listened to Members at large who had things to say before the committee during some of those hearings.

I would say to our colleagues who are out in their offices and will be back here later this afternoon and this evening to vote on this bill that they take a good look at it. I think that we have begun this early in our system of rules and bills because it is a bipartisan effort. I suggest approval later this evening.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, we are about to consider the defense appropriations bill. Buried in this bill is a seemingly innocuous provision that would have a profound effect. The provision would require the Defense Department to obtain prior approval from both defense authorizing and appropriating committees before transferring funds to the Justice Department for litigation.

The motivation for this provision may be to allow the Congress to keep track of funds appropriated to the Defense Department, but the provision has a major unintended and adverse effect. It would effectively block the Defense Department's contribution to the Justice Department's suit against the tobacco industry. This suit is currently under active consideration in the

courts. Cutting off funds would seriously cripple DOJ's efforts to hold the tobacco industry accountable and to recover the billions of dollars spent by the Government on smoking-related health care.

The tobacco lawsuit is strongly supported by the Department of Defense. Smoking-related illnesses cost the Department nearly a billion dollars each year. If the Justice Department case is successful, it could result in a substantial financial benefit to DOD health care programs which stand to share in the recovery.

I had considered offering a simple amendment. It would ensure that the restrictions on transfers would not apply to currently pending litigation. It would thus ensure that there is no unintended impact on the tobacco case. However, I do not intend to offer my amendment at this time. I understand that the underlying provision is part of the bill's report language, not its statutory language; and I believe that the provision can and, I am hopeful, will be fixed in conference so that it no longer has any impact on the tobacco litigation.

However, other appropriations bills moving through the House, such as VA-HUD and Commerce-State-Justice contain statutory language that is explicitly designed to stop the tobacco lawsuit. This is simply wrong. Rather than supporting the administration's effort to protect the Federal taxpayers and public health, these bills are trying to defund the litigation. This is nothing less than a secret gift to the tobacco industry. As the other appropriations bills move through the process, I urge my colleagues to strip out special protections for big tobacco; but if these provisions remain, I intend to shine the spotlight on them and fight to eliminate them.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise in support of the rule and to express my full support for H.R. 4576, the Defense Appropriations Act for fiscal year 2001. This important legislation honors the men and women serving in our Nation's armed services. I commend the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) for their leadership and commitment in addressing the needs of our service men and women and their families.

This bill enhances recruiting, retention and quality-of-life programs. It also includes a 3.7 percent pay raise and an additional \$64 million for basic housing allowances. It also addresses procurement shortfalls that our military has suffered since the Kosovo campaign.

In particular, I am thankful for the gentleman from California's support for metrology and calibration accounts and the C-17 Globemaster funding levels. I look forward to working with the gentleman to explore the active asso-

ciate wing concept for any additional C-17s procured.

Mr. Speaker, I believe this bill is good for the U.S. service men and women, good for the national security needs of our country, and a sound investment for the people of the United States. Once again I would like to thank the gentleman from California (Mr. LEWIS) and the staff of the Subcommittee on Defense of the Committee on Appropriations for their long hours and dedication. I know my district and the Nation's service men and women are better off because of their commitment. I support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, the bill before us today would in 1 year raise funding for the Pentagon by \$24 billion. Given some of the stories I have heard from the troops in the field, some of that money might be well spent. Unfortunately, I do not believe it is in this bill, and I do not believe it is getting to the folks that need it. I met the dad of a Marine who had a fancy new digital radio, that is true, they had acquired that for him; but the Pentagon told him they could not afford a waterproof cover for the nonwaterproof digital radio, and his dad was in GI Joe's in Oregon buying the kid a waterproof cover for his radio. There is something wrong with a Pentagon that can provide the fancy equipment, but it cannot provide the basics. We still have families in the military on food stamps. This bill does not take care of that problem. We have recruitment and retention problems. We have problems for hard duty, sea duty. There were requests by the Pentagon to fund those programs. They are not funded in this budget.

This budget does not take care of the young men and women serving us in the military, but it does take care of the defense contractors. Huge new weapons programs will be rushed forward with this bill. More billions for Star Wars that is yet to have one successful test. We are going to rush production of the F-22 aircraft. Yet this is an aircraft that is 2 years behind on its flight tests and has yet to complete even basic flight testing.

But we are going to move ahead to procurement of a weapon that may not be needed that at this point does not work at a cost of \$300 million per fighter plane. It is supposed to be stealthy. The only thing stealthy about it is if we spend all our money on F-22s, they will be stealthy, we will hardly see an American fighter plane in the next war because we will not have hardly any and the ones we have might not be able to fly. Let us slow that down.

Contractors return voluntarily nearly \$1 billion of overpayments sent to them by a Pentagon that cannot keep track of its funds, and the GAO says there were another \$5 billion of overpayments at least that were rendered.

They cannot even do bookkeeping. The answer is to give them another \$24 billion; \$24 billion that does not go to the troops, \$24 billion that does not go to basic readiness, \$24 billion that does not go to recruitment and retention problems, \$24 billion that flows to weapons systems that we do not need, that do not work, that are costing outrageous amounts of money.

It is time to inject a little common sense into this debate. I am going to offer an amendment on the F-22 to slow that program down and save \$1 billion. I am also going to offer another simple common sense amendment, perhaps too common sense for us inside the Beltway here, not for me but maybe for other Members, that would say that any contractor who three times is convicted of procurement fraud against the taxpayers of the United States would not be eligible to further contract with the Department of Defense. I will not even go back in time. If we did it retroactively, it would disqualify all our defense contractors. But let us go from this date forward and say from this date forward defense contractors are not going to commit fraud against the taxpayers of the United States; and if they do, they will lose their contracts.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. KUCINICH. Mr. Speaker, the Preamble to the Constitution of the United States when it speaks of we the people of the United States, it goes on to speak of forming a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, securing the blessings for ourselves and our posterity.

Providing for the common defense is something that we as Members of Congress need to do. But we also have to ask when \$24 billion extra is put into a defense budget, when the defense budget today is in excess of \$300 billion, we have to ask whether or not some of the other promises to the people of this country are being ignored. Because certainly the national defense should include the ability to provide for decent health care for all, for a decent education for all, for decent jobs for all. That too should be part of our national security. If that is not, then we should in the alternative make sure that in this huge Federal budget that we meet the economic and social needs of the people.

□ 1530

Now, this bill, Mr. Speaker, includes a provision for \$1.8 billion for a boondoggle called the National Missile Defense System. This system is a fraud on the taxpayer, and it is a danger to arms reduction. First, the technology is not feasible. It is not testable, and,

therefore, not reliable. It does not protect against real threats, but it does richly line the pockets of military contractors.

It will destabilize our relations with our allies worldwide and will spark a new and expanded nuclear arms race. It violates years of work towards disarmament and nonproliferation. This national missile defense, so-called defense, is a technological failure. A recent New York Times article gives Congress an inkling to the truth about this missile defense.

This Times analysis, which was based on a report from an MIT scientist, goes on to state that, well, the national missile defense system depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys, something has gone wrong with this system.

According to the New York Times, the system has failed those tests, that it cannot discriminate between the target warhead of an incoming missile and decoys. This is a quote from the newspaper, "The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor initially drifted off course and picked out the decoy balloon rather than the warhead," end of quote, that is because, according to the Times, the system cannot tell the difference between warheads and decoys. Experiments with the National Missile Defense System have revealed that the system is, quote, "inherently unable to make the distinction," and that is between the target warhead, and decoys. The New York Times characterized the MIT scientist as saying the signals, quote, "from the mock warhead and decoys fluctuated in a varied and totally unpredictable way," that is inner quotes, revealing no feature, inner quotes, "that can be used to distinguish one object from another," end quote.

Indeed, the Times reported the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart. In other words, Mr. Speaker, the national missile defense which we are about to appropriate close to \$2 billion for does not work and cannot work because it is inherently unable to tell the difference between warheads and decoys, Mr. and Mrs. Taxpaying America.

Now, listen to this, Mr. Speaker. After this report appeared in the New York Times, Defense saw to it that this letter that was sent was classified. Now, it was classified before we had a chance to have a debate over this on this floor; that classification tactic was simply, I believe, to chill the debate.

I am going to be called on the appropriate legal enforcement agencies to investigate this whole effort to cover up a system that does not work, to trick up test results, because there is fraud and deceit here. The taxpayers are being cheated. I am going to offer an amendment that seeks to, as other Members will, deal with this subject,

because the national missile defense does not address the real threats that exist, and the system will simply line the pockets of major defense contractors.

It is wrong to cheat the taxpayers of the United States. And that is what this so-called phony missile defense program does. We have already spent \$60 billion in the last 15 years on anti-missile defense research, and it has not produced a weapons defense system that can work. It is wholly ineffective. It is a lie, and it needs to be exposed and it will be.

[From the Cleveland Plain Dealer, June 6, 2000]

MISSILE DEFENSE IS POLITICAL FICTION

(By Frances FitzGerald)

The debate over national missile defenses has been nothing short of surreal.

On the one hand, President Bill Clinton and Vice President Al Gore have been promoting a limited defense system to protect the nation against attacks by rogue states, though the system has not been proven and may never work reliably. They have also been asking Russia to agree to amend the anti-ballistic missile treaty to permit such a system, though the Russians have always adamantly opposed such an amendment and continued to do so at the summit meeting last weekend in Moscow.

On the other hand, Gov. George W. Bush has promised a much more robust national missile defense, though based on technologies he has not yet named.

In addition, he has promised deep reductions in the American and Russian strategic arsenals. The Russians, however, have already told us that they see a larger defense effort as a threat to their nuclear deterrent. The idea that they would make deep reductions in the face of such an effort defies logic.

Everyone in Washington knows all of this, so what is going on?

The answer, of course, is politics. But it is a politics that cannot be understood apart from the history of the debate, a debate that has never been about reality.

On March 23, 1983, President Ronald Reagan, whose hard-line anti-Soviet policies had by then given rise to the largest anti-nuclear movement in Cold War history, personally—and almost in secret—wrote an insert to a routine defense speech, calling on the scientific community to turn its great talents to the cause of world peace and to give us a means of rendering nuclear weapons "impotent and obsolete."

In background briefings after the speech, there was talk of such Buck Rogers weaponry as space-based lasers that could destroy the entire Soviet missile arsenal.

Reagan's own officials, among them Secretary of State George Shultz, were appalled, and some speculated that the president had gotten the idea from a science-fiction film. It took them almost a year to discover what a stroke of political genius the speech insert was.

Since 1946, opinion polls had shown that the vast majority of Americans believed that scientists could develop a defense against nuclear missiles if they put their minds to it. Indeed, except when the issue of vulnerability was front and center in the news, most Americans expressed confidence that the United States had a defense against nuclear weapons already.

Just two weeks after Reagan's speech, a White House poll asked respondents whether they believed scientists could come up with "a really effective way to destroy Soviet nuclear missiles from space." The answer was, as always, a resounding yes.

Reagan certainly expected this answer. In addition, he and his close aides recognized that, because of its inherent ambiguity, a defense initiative would appeal to conservatives as a way to develop a weapons system even while it appealed to the public at large as a means to eliminating the nuclear threat.

By the time of Reagan's re-election in November 1984, all of his top officials had lined up behind the Star Wars concept. A number of existing research programs were cobbled together, and the Strategic Defense Initiative was launched with great fanfare and much rhetoric about the potential of lasers and other exotic technologies.

Shultz, Robert McFarlane and other moderates in the administration wanted to use SDI as a bargaining chip for Soviet strategic weapons.

"It would be like giving them the sleeves off our vest," Shultz told the president.

However, Defense Secretary Caspar Weinberger, his aide Richard Perle and their fellow hard-liners had other ideas. They saw SDI as a way to block offensive-arms reductions, to tear up the 1972 ABM treaty and to begin an arms race in defensive as well as offensive weapons.

The two sides brawled for the rest of the Reagan administration, and neither succeeded in gaining its ends.

In the meantime, however, SDI became extremely popular in the polls. While the hard-liners pleased knowledgeable conservatives by blocking strategic talks, Reagan pleased the public by offering to share SDI technology with the Soviets and promising the elimination of nuclear weapons. The anti-nuclear movement, its rhetoric stolen, gradually faded away.

In the past 15 years, the United States has spent \$60 billion on anti-missile-defense research and has yet to produce a workable weapons system. An effective defense of the country remains wholly elusive.

Yet Republican conservatives have continued to speak as if exotic technologies were ready to jump off the assembly lines, and have continued to press for a deployment of something—anything—that would irrevocably commit this country to an open-ended process of developing national missile defenses.

Congressional Democrats tried to resist the pressure, but their ability to do so waxed and waned with their own political fortunes and those of the Republican right. In early 1998, or around the time the Republicans took their impeachment case against President Clinton to the Senate, the Democrats gave way.

The previous fall a commission headed by Donald Rumsfeld, a former defense secretary, had concluded that "rogue states" could acquire ballistic-missile technologies, and North Korea had test-fired a long-range missile out over the Pacific.

In January the Clinton administration pledged financing for the deployment of a national missile-defense system to cope with this threat. In March the Senate, with administration support, overwhelmingly approved a resolution calling for a deployment.

At the time, White House officials commented that the administration's support for the bill would help to defuse a potent political issue for the Republicans in the campaign of 2000.

Last fall Clinton announced that he would make a final deployment decision this summer, in the very midst of the presidential campaign.

This determination clearly had little to do with technology, for the schedule did not permit time for adequate testing—and since then one of the two tests has failed. Rather, it had to do with the fear that the Repub-

licans would call Democrats weak on defense.

In their unsuccessful attempt to persuade the Russians to agree to the deployment, administration officials assured them that they could defeat the system if they kept 1,000 or more strategic nuclear weapons on full alert. This was hardly a bargain for either country, given the decay of the Russian early-warning system and the increasingly real threat of an accidental launch.

In the midst of these technological and diplomatic embarrassments for the administration, Bush revived the political issue by calling for the entire Reagan program: Star Wars, radical nuclear-arms reductions, the de-alerting of nuclear forces and the sharing of anti-missile technology with our allies and possibly the Russians as well.

The proposal is, of course, self-contradictory. It is also wildly implausible, in that the Pentagon is no more likely to agree to give away advanced American technology than it ever was, and no country except the United States can afford an open-ended missile-defense program.

But then, the majority of Americans did not notice any of these problems when Reagan made the proposal 15 years ago.

[From the Washington Post, June 4, 2000]

A STRATEGY OF SILENCE ON MISSILE DEFENSE (By Greg Schneider)

If President Clinton wants to show Russian President Vladimir Putin the potent mix of interests making ballistic-missile defense a priority in this country, he could invite Putin to continue their summit at the Wyndham Franklin Plaza Hotel in Philadelphia.

There they would find an archetypal blend of politics, military and industry in the form of a week-long conference hosted by Rep. Curt Weldon (R-Pa.) and co-chaired by the Pentagon's Ballistic Missile Defense Organization and Lockheed Martin Corp.

Inside those closed-door sessions are the stakeholders in a campaign to create a land-based anti-missile system designed to shoot down warheads launched at the United States by terrorists or "rogue" states. The National Missile Defense program is to receive \$12 billion over the next six years and could grow much larger.

While President Clinton weighs a decision on whether to order construction of the system, and while Republican presidential candidate George W. Bush calls for an expanded defense shield, the nation's defense contractors are uncharacteristically silent about this potential windfall of them and their shareholders.

The Philadelphia conference is closed to the public and press, though representatives of several foreign militaries will take part. The companies in attendance and others in the defense sector do virtually no marketing of missile defense in the media. They don't even do much direct lobbying on Capital Hill, according to executives, lobbyists, staffers and experts.

The technology is too risky, sources said, and the issue has too many international complications. But mostly there is little need to lobby, because Congress is already dead set on finding a way to stop hostile foreigners from hitting American troops or cities with long-range missiles.

"It's religion on Capital Hill," said an industry executive who asked not to be named.

"I think [the companies] sense there's an irresistible drive that something is going to be fielded, and perhaps in this instance they can sit out the overt plug for the system itself and let the events just carry the current like a wave ahead of them," said retired Army Col. Daniel Smith, chief of research at

the nonpartisan Center for Defense Information. "That way they can be good guys in a sense and still get the contracts and save their powder for the real battles."

Critics charges that the companies take a subterranean approach to the issue, funneling money to think tanks that use speeches studies and seminars to spread the gospel of missile defense. "It's been a very sophisticated disciplined lobbying effort," said William D. Hartung of the World Policy Institute in New York.

The stakes are high and growing. The national has spent more than \$60 billion on missile-defense research since Ronald Reagan announced his plan for a space shield against Russian warheads in the early 1980s. It could spend anywhere from \$30 billion to \$50 billion more on the National Missile Defense program by 2015, depending on how extensive a system is built, according to the Congressional Budget Office.

Thousands of companies across the country benefit from ballistic-missile defense programs, though nearly half of the spending goes to four major players: Lockheed Martin, Boeing Co., Raytheon Co. and TRW Inc.

Although much of the work is done in Alabama and California, a breakdown of \$2.55 billion in current contracts shows 46 Northern Virginia-based companies receiving a total of \$166 million, according to Eagle Eye Publishers, Inc. in Fairfax. Seventeen contractors in Maryland and the District divided another \$28 million.

Others would like to get into the field. Northrop Grumman Corp., for example, has spent years prepping for a chance to build radar for an expanded version of the National Missile Defense program.

But John Johnson, director of advanced technology businesses at Northrop Grumman's electronics sector near Baltimore, said he recently learned that National Missile Defense prime contractor Boeing is planning to stick with the radar it currently buys from Raytheon.

"It's difficult to understand why in the world they would not want to have competition," Johnson said. "Especially when you consider the fact that whoever does this is going to have a monopoly for the next 20 to 30 years in that particular line of business. We're talking a tremendous amount of money, billions of dollars, for tens of years."

Such scale is especially irresistible to the big companies that hunger for huge, long-term contracts after a decade of industry consolidation and several years of rejection by Wall Street. The primary question is how far Congress will ultimately be willing to go.

Reagan's original vision of a vast space shield, dubbed "star wars," evaporated in the hot glare of physics and negative publicity. But the Persian Gulf War rekindled the issue as Saddam Hussein menaced Israel and attacked U.S. troops with crude Scud missiles. The military had no reliable answers to that threat so Congress ordered it to come up with something.

Since then, North Korea and other potential enemies have worked to develop rocket technology that could let them deliver warheads of every description to faraway places—theoretically including the United States.

So the Pentagon is stoking antiballistic missile technology on two fronts: The National Missile Defense program would establish a limited network to protect the nation from the odd missile or two launched by terrorists. And several "theater missile defense" programs are aimed at protecting troops or ships in battle from Scud-like threats.

Boeing is the lead company on National Missile Defense, having won a three-year, \$1.6 billion contract in 1998 to assemble a basic system.

Lockheed Martin lost out on that contract but is the major player in theater missile defense, with its upgraded version of the Patriot missile and the Army's \$14 billion Theater High-Altitude Area Defense, or Thaad, system. The company could gain an important role in national missile defense as well, if the program is expanded to include Navy ships using Lockheed Martin's Aegis combat system.

Raytheon and TRW are present as subcontractors on virtually every type of missile-defense program. Raytheon makes the crucial X-band radar for both National Missile Defense and for Thaad, as well as the "kill vehicle" on the tip of the NMD missile. TRW is creating the battle management, command and control system for NMD; is working with Boeing and Lockheed Martin on the Air Force's Airborne Laser program; and is competing to build a low-orbiting network of early-warning satellites.

The Ballistic Missile Defense Organization, which coordinates most of the systems, also has a small-business innovation program that has awarded about \$450 million in research contracts to thousands of companies in all but about three states since 1985. The agency sends out a monthly newsletter highlighting technology contracts in particular states, which experts say is BMDO's most overt effort to emphasize the far-flung political constituencies of its programs.

National Missile Defense is by far the most politically sensitive project. It is a topic not only at this weekend's summit in Russia but also in this year's presidential campaign. The central issue is when to begin deploying a land-based missile-defense system, and how big to make it. Many defense officials expect President Clinton to postpone the deployment decision until the next administration.

One executive in the defense industry said that while contractors believe George W. Bush would act faster and on a bigger scale, they also have faith that pressure from Congress would make Democrat Al Gore follow suit eventually.

Either way, the executive said, the research dollars will keep flowing.

Such research could lead to valuable spin-off technology in other business areas such as communications, remote sensing and optical technologies, said Malcolm O'Neill, who heads Lockheed's air and missile defense efforts. O'Neill, a retired Army general who was the first commander of the Ballistic Missile Defense Organization, continues to serve on a BMDO advisory panel.

The industry's expectation that research dollars will flow regardless of when the system is deployed is one reason, insiders say, that defense lobbyists are not trying to push missile defense.

A bigger factor is that the topic "is so political that the defense contractors really don't want to be prominently involved in something that is that visceral in terms of opposition or support," said Richard Cook, a veteran lobbyist and former head of government operations for Lockheed.

Cook recalled catching a company official briefing a group of senators on the promise of missile defense in the early 1980s. "I chewed [him] out," Cook said. "I said, 'Hey, what are you doing talking about missile defense? You have no idea what it's going to cost, and the politics are such that you're going to have little or no influence and in fact you'll probably end up embarrassing Lockheed.'"

At that time, too, he said, the company's own scientists were divided over whether the technology would even work.

Critics argue today that the whole effort—but especially National Missile Defense—is technologically impossible. "This isn't going to defend anyone except defending the inter-

ests of some defense contractors and lining their pockets," Rep. Dennis J. Kucinich (D-Ohio) said last week at a rally against missile defense.

He pointed out that the four biggest contractors are heavy campaign donors. The defense industry as a whole supplied more than \$2.3 billion in soft money to the major parties last year, according to Common Cause.

Hartung, the arms-control expert at the World Policy Institute, charges that defense companies have shaped the debate over missile defense by working indirectly through think tanks and study groups that influence key participants.

"These companies are desperate for cash, and they view this system as their meal ticket—not for this year but for the next generation," Hartung said.

He emphasized links between defense contractors and the Center for Security Policy, an arms advocacy group run by former Reagan defense official Frank J. Gaffney Jr. The center has written speeches for politicians who support missile defense, hosted conferences and honored public figures for championing the cause.

Gaffney said in an interview that he hopes his group has helped accelerate interest in missile defense, but he rejected the suggestion that his effort is tainted because the center's board of advisers includes executives from Lockheed Martin, Northrop Grumman and other companies.

"I think people who don't like our message would find any pretext to dismiss the message," he said. The center reported that corporations contributed 17 percent of its \$1.2 million in revenue for 1998, the most recent year available.

Gaffney also is intimately involved with a new group called the Coalition to Protect Americans Now, which has funded a pair of television ads warning that "America is unprotected against missile attacks and calling on the president to deploy 'a strong missile defense—now.'"

The ads, which were being run on CNN this weekend so that the president could see them in Europe, are being funded by Colorado heiress Helen Kriebel, Gaffney said.

He expressed frustration that the companies involved in ballistic-missile defense have not so far chosen to participate. That was a sentiment shared by Curt Weldon, the Pennsylvania congressman who persuaded the Ballistic Missile Defense Organization to hold the conference in Philadelphia tomorrow through Thursday.

"I think they've not done enough", and they've benefited from these programs," Weldon said of the companies. "They have a responsibility I think, to use their resources to at least make the case why it's important business-wise. We're not doing this because it means jobs, but the fact that it does means jobs make it somewhat critical for them to tell that story."

Five or 10 years ago, Weldon said, the companies were reluctant to take a high profile because the programs were so controversial. "But we've changed that. We've changed the whole debate in this country," he said. "Now I think it's appropriate for them to weight in . . . and I will continue to press them until that happens."

SCIENTIFIC PANEL SAYS NATIONAL MISSILE DEFENSE WON'T WORK

The Union of Concerned Scientists and the Massachusetts Institute of Technology Security Studies Program today released the first major study presenting technical evidence that the planned US National Missile Defense (NMD) system would be defeated by simple responses from new missile states.

The report, by a panel of eleven independent senior physicists and engineers, also

finds that the current NMD testing program is not capable of assessing the system's effectiveness against a realistic attack.

"This so-called national missile defense system won't do the job," said report chair Dr. Andrew Sessler, former director of the Lawrence Berkeley Laboratory and past president of the American Physical Society. "The United States should shelve its NMD plans and rethink its options for countering missile threats."

The NMD system is intended to defend US territory from attacks by tens of intercontinental-range ballistic missiles armed with nuclear, chemical, or biological weapons. President Clinton is scheduled to decide on deployment this fall, after a third intercept test in June and a Pentagon recommendation in July. The first intercept test in October scored an ambiguous hit; the second test in January was a miss.

The report was researched by top scientists from Lawrence Berkeley Laboratory, MIT, Cornell University, the University of California at Los Angeles, the University of Maryland, and the University of Pennsylvania. Study members include senior defense consultants to the US government and nuclear weapons laboratories, and former members of the Defense Science Board, the Rumsfeld Commission, and the Lockheed Corporation. The scientists used physics and engineering calculations to analyze both the planned NMD system and the simple steps—known as "countermeasures"—that nations developing long-range missiles could take to foil the defense.

For biological or chemical weapons, the missile warhead can be divided into many small bomblets that would be released from the missile early in flight and overwhelm the defense with too many targets. The analysis in the report shows that the technology for bomblets would be readily available to an emerging missile state.

"Any long-range missile attack with biological weapons would surely be delivered by bomblets," said Dr. Kurt Gottfried, a physicist at Cornell University and chair of the Union of Concerned Scientists. "The planned NMD system could not defend against such an attack."

The report also finds that attackers using nuclear weapons could defeat the system by deploying their warheads inside mylar balloons and releasing many empty balloons along with them, presenting the defense with an unwinnable shell-game. Or a nuclear warhead could be covered by a shroud cooled to very low temperatures, preventing the heat-seeking interceptor from detecting and homing on the target.

The US intelligence community, in a September 1999 report, also found that developing nations could deploy countermeasures with their long-range missiles and would be motivated to do so by US NMD deployment.

"Any country that can deploy a long-range missile with a nuclear or biological weapon can deploy these countermeasures," said Dr. Lisbeth Gronlund, a physicist at UCS and MIT. "Pentagon claims that the system can deal with countermeasures simply do not stand up to technical scrutiny."

The study shows that the NMD testing program will not be able to determine if the system would be effective against these countermeasures. Tests against realistic targets will not be conducted before the first phase of deployment in 2005, if at all.

"Since we find that even the full NMD system would be defeated by realistic countermeasures, it makes no sense to begin deployment," said Dr. Sessler. "A defense that doesn't work is no defense at all."

As a companion to the new report, USC produced an animation that shows how straightforward devices like balloons and

bomblets would confuse the NMD system. The animation and report can be viewed on the UCS website at www.ucsusa.org/arms/.

MISSILE SHIELD ANALYSIS WARNS OF ARMS BUILDUP

(By Bob Drogin and Tyler Marshall)

WASHINGTON—The U.S. intelligence community is writing a secret report warning the Clinton administration that construction of a national missile defense could trigger a wave of destabilizing events around the world and possibly endanger relations with European allies, a U.S. intelligence official said Thursday.

The new National Intelligence Estimate will sketch an unsettling series of political and military ripple effects from the proposed U.S. deployment that would include a sharp buildup of strategic and medium-range nuclear missiles by China, India and Pakistan and the further spread of missile technology in the Middle East.

A supplement to the highly classified report will also note that the threat of attack from North Korea has eased since last fall, when Pyongyang effectively froze its ballistic-missile testing program in response to U.S. overtures.

Outside critics have long argued that the proposed national missile defense could backfire and actually diminish national security and global stability. But the CIA-led analysis and updated threat assessment are the first official evaluation of how the system could generate new threats.

The administration has pledged to decide this fall whether to proceed with an initial base of 100 "interceptor" missiles in Alaska, backed by ground-based phased radar stations and satellite-based infrared sensors, in a system designed to shield the continental United States from a limited missile attack.

Proponents of the system argue that North Korea, Iran or Iraq may threaten U.S. territory with intercontinental ballistic missiles someday. Critics argue that the threat is exaggerated, that the antimissile technology is unproved and that deployment would undermine crucial arms control and nonproliferation regimes.

CIA analysts believe that Russia would accept U.S. arguments that no system could protect against the number of missiles Moscow could launch and that its deterrent thus would be preserved. But China has only 20 CSS-4 intercontinental ballistic missiles in vulnerable silos, and the analysts say that, after a U.S. deployment, Beijing would conclude that it had lost its deterrent force—and act accordingly.

"We can tell the Russians that [the missile defense] won't affect the viability of their deterrent force," the intelligence official said. "I don't know how we can say that to the Chinese with a straight face."

If the U.S. system is built, the CIA believes, China would install multiple independent nuclear warheads on its missiles for the first time in an effort to overwhelm any missile shield. Beijing has possessed the technology for more than a decade but has not used it so far.

In addition, Beijing is deemed likely to build several dozen mobile truck-based DF-31 missiles, which it first tested last year, to create a more survivable force. It also is likely to add such countermeasures as booster fragmentation, low-power jammers, chaff and simple decoys to confuse or evade U.S. interceptors.

The intelligence official said that Russia and China both would increase proliferation, including "selling countermeasures for sure" to such nations as North Korea, Iran, Iraq and Syria.

Moreover, the official said, India is deemed likely to increase its nuclear missile force if

it detects a sharp buildup by China, its neighbor and longtime rival. That, in turn, likely would spur Pakistan, India's arch-enemy, to increase its own nuclear strike force, the official said.

Former National Security Advisor Brent Scowcroft called such a scenario "plausible" and expressed concern about its possible implications.

"We ought to think whether we want the Chinese to change their very minimalist strategy," he said in a telephone interview. "I'm not sure what the answer is, but this is certainly one of the possible consequences that, in a sense, is more serious than the Russian reaction might be."

THE LIKELIHOOD OF A DOMINO EFFECT

Other specialists said that, while it is likely China would move to increase its intercontinental ballistic missile arsenal—now thought to be about 20 strong—it is questionable whether India and Pakistan would follow suit.

"China has had a strategic capability for a long time relative to India, and India has hardly gone on a missile arms race to counter it," noted John E. Peters, an arms control specialist at Rand Corp., a Santa Monica-based think tank.

Michael O'Hanlin, who tracks the missile defense issue at the Brookings Institution, a nonpartisan think tank in Washington, argued that, however dramatic it may sound, a domino-style nuclear arms buildup would be a lesser threat to the United States than China's potential willingness to develop and sell missile defense countermeasures to countries like North Korea. Arms control specialists have expressed strong concern that the missile defense system as designed would be incapable of overcoming relatively cheap and easy-to-deploy countermeasures, such as clusters of decoys.

"If they do that, it could defeat the entire purpose of the national missile defense," O'Hanlin said. "That is the scenario that's very important."

Further afield, the intelligence official who outlined the report said, America's allies in Europe and the North Atlantic Treaty Organization could be angered if the United States is seen to be walling itself off from its allies with an antimissile shield.

N. KOREA'S TEST PROGRAM FROZEN

The updated threat assessment notes that North Korea has frozen its program to test an intercontinental ballistic missile—the Taepo-Dong 2—since the administration proposed relaxing economic and diplomatic sanctions last year.

The missile test could be tested on short notice, the official said, and related tests of the system's electronics, pumps, tanks and other equipment are still going on.

CIA analysts, who warned last year that Iran may try to test an intercontinental ballistic missile by 2010, have detected little progress in Tehran's program. "We're not seeing some of the things we expected," the official said. "We're not seeing the threat advance."

The White House requested the intelligence estimate as part of its decision-making review.

The analysis, to be delivered next month, presents two different scenarios of how other nations are likely to react to a U.S. deployment.

The first is based on the premise that Russia agrees to U.S. demands to amend the Anti-Ballistic Missile treaty of 1972 to allow a missile shield. The second assesses the effect if Russia refuses and Washington simply abandons the arms control process, as many Republicans have demanded.

At the moment, Russia and China are the only potential adversaries capable of hitting

the United States with nuclear missiles. Russia has about 1,000 strategic missiles and 4,500 warheads.

The report pointedly declines to describe North Korea and other hostile states as "rogue" nations, since the argot suggests that their leaders are irrational.

"The term rogue state almost predisposes you in favor of" the missile defense system, the intelligence official said.

Moreover, the report warns that the missile defense shield would not protect Americans against what the official called "more accurate, more reliable and much cheaper" ways of delivering chemical, biological or nuclear weapons. These include ship-launched missiles, suitcase bombs and other covert means.

"The joke here is, if you want to bring a nuclear weapon into the United States, just hide it in some drugs," the official said.

BIPARTISAN THINKERS LOOK PAST TRADITIONAL ARMS CONTROL

(By Carla Anne Robbins)

WASHINGTON—When President Clinton goes to Moscow next month, he will try to sell Russian President Vladimir Putin a new arms-control "grand bargain."

For years, the prospect of any agreement would have been greeted with cheers and sighs of relief. This deal, in which Washington trades somewhat deeper cuts in both sides' arsenals for Moscow's grudging acquiescence to a limited U.S. missile-defense program, is supposed to break a seven-year stalemate in nuclear-arms reductions.

But a decade after the Cold War's end, a group of American thinkers from both parties is raising a more radical idea: Traditional arms control simply might not work anymore.

With the world vastly changed, they are calling for the old rulebook to be jettisoned. In this bold new order, there would be deep, even unilateral cuts in U.S. nuclear forces. Russia, and perhaps China, would join the U.S. and Europe in building missile-defense systems. Finally, there would be a global campaign, championed by Washington and its allies, along with Moscow and Beijing, to control the spread of terror weapons.

Stephen Hadley, a top aide in the Bush Pentagon, says he can imagine a day when the U.S. and Russia simply "advise" each other of their nuclear plans. "It's a perverse outcome of Cold War arms control [that] both sides have kept an inventory of strategic weapons far above what they need or want," he says. Jan M. Lodal, a former top official in the Clinton Pentagon, warns that the U.S. is "making a huge diplomatic effort to preserve treaties that don't have any effect on the real problems" of fighting proliferation.

It is hard to overstate what a sweeping change this would mean. For 30 years, mankind's survival was thought to rest on the successful negotiation and implementation of arms-control treaties. Only arms control could walk the world back from the nuclear brink.

So why would anyone dare to try a different way?

Consider some current problems:

The U.S. and Russia agreed in 1993 to slash their arsenals to 3,000 to 3,500 long-range weapons, but domestic and international wrangling has blocked the cuts. Even if Mr. Clinton and Mr. Putin make a deal, the GOP-led Senate is threatening to reject it, while the Pentagon is already planning a larger antimissile program. The next president will have to start renegotiating the grand bargain a few months after taking office.

The nuclear-driven India-Pakistan conflict is today's most dangerous clash. But since

neither country is recognized as a "nuclear state" under the nonproliferation treaty, the U.S. can't give them technology or know-how to help prevent accidental launches or wars of misadventure.

Chemical weapons have been outlawed by an international treaty championed by the U.S. But the organization negotiated to monitor the ban has been hobbled by its members' states' lowest-common-denominator restrictions. The country setting the lowest denominator? The U.S.

With such a grim record, there may be little choice but to start over. Nobody can be sure how well a new arms-control order would work. But here's how it might look:

Step one: The U.S. must begin, the new thinkers say, by shrinking its own arsenal to reflect a world where nuclear war with Russia is far less of a risk than the risk of Russia losing or selling off its weapons to rogue states or terrorists.

Moscow—which spent only about \$5 billion on all its defenses last year, or less than 2% of the Pentagon's budget—already is calling for both sides to go down to 1,500 long-range weapons. U.S. military planners are insisting on keeping 2,000 to 2,500 weapons.

Mr. Lodal says the U.S. can cut back to 1,000 "survivable" weapons, mainly on hard-to-find submarines, and still deter all potential enemies. For the sake of speed, he says the U.S. should make those cuts unilaterally and expect the Russians to follow suit. Future agreements with Russia would focus on "transparency" to calm suspicions of a secret buildup by either side.

There is a precedent of this "arms control by example." In 1991, President Bush broke all of the rules, unilaterally taking all U.S. strategic bombers off alert and pulling all American short-range nuclear weapons out of Europe and Asia. A week later, Soviet leader Mikhail Gorbachev pulled all of his short-range nuclear weapons back to Russia and pledged to slash another 1,000 long-range weapons from the Soviet arsenal. The shocking moves and countermoves had analysts heralding a new "arms race in reverse."

Step two: The U.S. has to figure out how to build missile defenses without creating a permanent international crisis.

There are serious doubts about whether the technology is ready or the rogue-state threat imminent. Nevertheless, national missile defense may be a political inevitability.

The prohibition against building defenses, enshrined in the 1972 ABM treaty, is the most passionately held arms-control taboo. During the Cold War, stability was supposed to be based on mutual vulnerability to devastating nuclear retaliation.

That high-risk equation may no longer be necessary, says Barry Blechman, a longtime critic of President Reagan's Star Wars concept who now embraces the need for limited defenses. The threat today, he argues, comes from a few rogue states or terrorists, making defenses an easier technological problem to solve. But the challenge is still so daunting that it will be years before the U.S. can build anything that can defeat Russia's force.

"I've always been of the mind that deterrence is what you do if you can't defend," Mr. Blechman, chairman of the Stimson Center, a Washington international security think tank.

The biggest challenge may be to calm Russia's fears of a multibillion-dollar missile-defense race. Russia is unlikely to launch a major nuclear buildup. But a spurned Moscow could still make real trouble: slowing arms reductions, cutting off cooperative nuclear-security programs or even selling technology to foil missile defenses to North Korea or Iraq. By pulling out of the ABM, and provoking a crisis with Russia, the U.S.

would also seriously damage its already strained credibility as a crusader against global proliferation.

Mr. Hadley, who now advises the presidential campaign of Texas Gov. George W. Bush, but says his ideas are his alone, believes the best hope is to revive a Bush administration proposal to bring the Russians and perhaps the Chinese into a "Global Protection System."

The U.S., he says, could start by sharing early-warning data with Moscow. Russian and U.S. defense companies could collaborate on building and selling smaller theater missile-defense systems to countries that otherwise might be tempted to acquire their own missiles. Most ambitiously, the U.S., Russia and Europe could work together to develop a national missile-defense system that all could deploy.

The West would likely have to foot a good part of Russia's cost, while Moscow would have to implement far tougher technology-transfer controls. If China also wanted in, it "would have to show a real commitment to the effort against proliferation that so far it hasn't shown," says Mr. Hadley. Even then, China, which has about 20 long-range missiles capable of hitting the U.S., is almost certain to increase its nuclear forces to be sure of being able to overwhelm the U.S. system.

Some of the fiercest opponents to Mr. Hadley's plan could be members of his own party, who increasingly argue that the U.S. can ignore a weakened Russia's objections. And while Mr. Gorbachev once expressed interest, it isn't certain whether Russia's new leaders would want to join.

Step three: Really fight weapons proliferation.

Nuclear tests by India and Pakistan showed how few tools there are to punish countries determined to flout international treaties. The U.S. is still hoping to dissuade the two rivals from mating nuclear warheads to missiles. If that fails, it may have little choice but to rewrite or defy the nonproliferation treaty, providing both countries with the technology and know-how to prevent accidental wars.

"Arms-control treaties are only good when they reflect the underlying realities," Mr. Blechman says.

Ferreting out secret cheaters is even harder. Politics is part of the problem. To win Senate ratification of the Chemical Weapons Convention, the Clinton administration reserved the right to block challenge inspections on national security grounds and barred monitors from taking chemical samples abroad for analysis. Now "other countries will have the ability to block the inspectors the same way," warns Amy Smithson of the Stimson Center. The Indian parliament is considering the Technology may be a bigger obstacle, especially when chemical and biological weapons can be cooked up in a garage or a bathroom.

So what to do? The new thinkers suggest the U.S. will have to move beyond treaties. It will need to enlist Russia and China, the biggest potential sources of illicit weapons, as well as its European allies, in a global antiproliferation campaign: Sharing intelligence, policing their defense industries and scientists, and joining in diplomatic initiatives to isolate offenders.

Sen. Richard Lugar, a longtime arms-control proponent, says that even with their weaknesses, these multilateral treaties can still provide useful "norms" for rallying international pressure or justifying unilateral punishments, as in the U.S. bombing of Iraq. "It may be the only real sanction in the world is the U.S. armed forces," the Indiana Republican says.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of the gentleman from

Texas (Mr. FROST) if he has any more speakers.

Mr. FROST. Mr. Speaker, I respond that I reserve the final 2 minutes to close. There are no other speakers on the floor.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may assume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I would like to respond to some of the comments from the critics of the bill and from those of whom consistently vote against the defense bills that are brought to this House floor in a bipartisan basis. It always is difficult for me to try to understand the dimension of others of whom perhaps do not share my opinions, because I, for one, believe that part of the purpose of forming a government is to make sure that we protect the Nation's borders; that we protect our interests; that we protect those of whom sleep in peace and tranquility and domestically within the borders of our own country, so we take great pride in our police force, our firefighters, those who serve in the military, those of whom who put on the uniform and say they give an oath to lay down their life.

It was a Vietnam veteran that turned to me when I was a young cadet and said I want you to memorize this statement: those who serve their country on a distant battlefield see life in a dimension for which the protected may never know.

Those of whom may be the protected yet have never seen the horrors of a battlefield are very quick to become the critics of the defense industry, become critics of those of whom serve in the military, those of whom question a system of honor and of integrity, of character, of the essence of the nobility of life.

They say, well, we will be there when you need it; that is false. It takes the commitment of a Nation, weapons systems that we will use in the next war are not crafted and built based on the successes of the last. If we do that, it is a prescription for failure.

You design your weapons systems thinking far ahead; it is why when you go into battle that we want to place our men and women who serve in harm's way with the ability to overmatch, so we do not see the coffins coming back to Dover, Delaware.

That is why I enjoy it when the defense bill comes to the House floor, because it is one of the few bills that this body comes together as Democrats and Republicans.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Indiana. Since I am a little hard on you, I yield to the gentleman.

Mr. KUCINICH. Mr. Speaker, I do not take from anything that the gentleman said that the gentleman would endorse fraud.

Mr. BUYER. Mr. Speaker, I will reclaim my time, that is a silly statement. No one in this body endorses

fraud, for crying out loud. I do not even know where that came from. What bothers me is it is easy to say, oh, well, the Pentagon, they spend this much on a weapons system, they spend that much on a part, these weapons systems are highly sophisticated and it takes awhile. They only make one or two parts. It is not making 10,000 parts.

Let me go back to my compliment, though, to the body. My compliment to the body is that we have many Members in here that have put on the uniform, and no one ever asked when we took that oath whether we were Republican or Democrat. So those of us who served in the authorizing committee and the appropriating committees who have the interest on national security keep that dimension.

Now, there will always be a critic of a bill for one particular reason or another. We have those of whom who are passivists. They should take pride in themselves, if they are a passivist, say they are a passivist. Do not just pick apart the bill for one reason or another. Expose your character. If they do not, I will be more than happy to.

Let me tell you something else that has bothered me when we take an individual who may be a critic of the defense industry or, in particular, of our defense. They are the same individuals of whom are seeking to socialize our military. So when they stand up here on the House floor and they talk about, well, we are having recruiting and retention problems in the military, and they give this long laundry list of what is wrong with the military, see they are the same ones who endorsed socialization policies of our military.

Socialization policies that, in fact, then begin to hurt the military. A sergeant at Fort Campbell, Kentucky, came up to me and says, Congressman, if the Army gets any more sensitive, it is going to cry. We have to stop and think what are we doing to the military.

Mr. Speaker, I have traveled around; and I have conducted a lot of hearings, being chairman of personnel. Well, many are quick to blame recruiting and retention problems on a good economy, easy access to other sources of college funding, reduced propensity to enlist, a shortage of quality recruits. My findings point to other issues that stress the military force. It is called lack of spare parts, lack of adequate training time, aging equipment and high depreciation rates on our equipment, socialization policies, longer working hours and prolonged family separation due to an increased operational tempo.

We also have a mismatch in the Clinton/Gore national security strategy between a foreign policy of engagement and enlargement at our national military strategy. When we take 265,000-plus troops and put them in 135 nations all around the world and then we begin to have them serve as quasidiplomats, we then have a workforce out there that begins to then have questioned

the mission; it is called mission credibility. They say I do not mind being separated from my family, but to do this? And they say then, wait a second, what happened to the warrior. The warriors now have become the humanitarian.

They are outstretched all over the world as quasidiplomats on all of these humanitarian missions. Now, are some of them noble? Are some of them worthy? Yes. But we always have to be very careful about what happens when you take a warrior and we then turn him into a humanitarian. You dull the war-fighting skill. When you do that to a division, it takes us a year to retrain the division back to the war-fighting skill.

So as I listened to some of the comments of some of the Members, it is easy to pick apart the bill. I believe that this bill is going to receive a large bipartisan support.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would say to the gentleman, I understand his criticisms and critique. We could give a critique on both sides of the aisle, but what the gentleman just said, I think, is the most important thing, and that is, we need to continue to maintain a bipartisan consensus in the House for national defense, for our troops, for taking care of the spare parts problems. I think it is good if we can try to work and build consensus behind national defense.

I hear some of the criticism on my side of the aisle, because they are worried about wastefulness. They are worried are we doing enough in terms of testing, national missile defense, have we done enough testing on the F-22. Frankly, as a member of the committee I am concerned about those issues myself.

I think we need to be careful as stewards of national security not to always believe everything we are told, I know the gentleman does not fall under this category, by the Pentagon is necessarily totally accurate. I mean, we have to go in and do a good job of oversight and looking at what has actually happened. And that is why I was impressed when the gentleman said he was going out and taking a look to see about spare parts.

By the way, our committee has added hundreds of millions of dollars over a sustained period of years on these issues during the Reagan buildup, during this buildup; but I hope we can try to have the rhetoric in a constructive tone, rather than in a tone that kind of gets us into a fight over this issue.

There still is a huge consensus in this Congress, at least 325 Members, who are strongly committed and it is very bipartisan. So I just wanted to make those points.

Mr. BUYER. Mr. Speaker, I reclaim my time. My compliments to the gentleman from Washington (Mr. DICKS).

He has have devoted a great deal of his time in Congress to the issues of national security. The issues on spare parts, I think American people would be shocked to go out on the flight line and see that we are swapping out engines to put F-14s in the air.

If we told our parents that, you know, I am going to be a little bit late for Christmas dinner because I have to pull the Chevy engine out of the car and put it in any other car, they say what are you doing; that sounds ridiculous. With the spare part problem out there that we are actually swapping out engines to put planes in the air is a little stunning.

I want to compliment the gentleman, because he has worked very hard on our spare part problem and concern.

Mr. DICKS. Mr. Speaker, if the gentleman will continue to yield, this is a good bill. I see the gentleman from California here. I want to say to the gentleman, too, our subcommittee, it is a great subcommittee to be a Member of, there is never any partisan rhetoric to speak of; and we try to focus in on trying to do the best possible job with the resources we have to do the best for defense.

I think this year, for example, taking the money and accelerating the two brigades that will be part of the Army's effort to lighten up and be more mobile. That is a great decision on the part of the committee. I hope the Congress will endorse that, and I hope we can get the Senate to go along with it.

Mr. BUYER. Mr. Speaker, reclaiming my time, I think we are going to see the real compliment of the work product that came, not only out of the authorizing committee, but also the gentleman's work, this bill is going to pass in a huge bipartisan bill. I compliment the gentleman.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a good bill. It will pass with a very significant bipartisan vote of both Democrats and Republicans.

□ 1545

I would only like to underscore one point that I made earlier in the debate, and I would hope that the leadership on the other side of the aisle in this body will impress upon the leadership on their side of the aisle in the other body how important it is to move the defense supplemental for Kosovo and Bosnia right now. Because while there is significant money in this bill for 2001, our troops face a crisis in the fourth quarter for fiscal year 2000, beginning in about a month, because of the inability of this Congress to fund what has already happened in Bosnia and Kosovo, and because of the fact that this requires our military to take money away from training and to take money away from the vital things that need to be done right now in the remainder of this fiscal year.

So while it is laudable that we are going to pass by a significant bipartisan vote a good piece of legislation for the fiscal year that starts October 1, we need to move the money in the supplemental for the remainder of this fiscal year, or we are going to face a real crisis situation starting about August 1.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM) to close.

Mr. CUNNINGHAM. Mr. Speaker, I would like to reiterate what the gentleman from Texas (Mr. FROST) spoke about and the gentleman from Washington (Mr. DICKS). The supplemental is important. We have over 21 ships that are tied up to the pier that cannot go anywhere, and we are going below that 300-ship Navy. Yet, there are some people on that side of the aisle that would even cut defense in an emergency situation like this. I think that is wrong.

I would like to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Washington (Mr. DICKS) and the Subcommittee on Defense of the Committee on Appropriations. When I served on the authorizing body, it was the absolute best committee to serve on. There are no Republicans and no Democrats on that committee; they are all looking forward to helping the men and women in the services. Unfortunately, when we get to this floor, there are critics of those policies that want to cut for social spending. That is wrong. We put at risk our men and women in the services.

I would like to thank the gentleman from Texas (Mr. FROST) and the gentleman from Washington (Mr. DICKS) and the gentleman from Pennsylvania (Mr. MURTHA), the authorizers. This is a good rule. I thank especially the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations, who has been tied up in another committee today.

Mr. Speaker, this is a good rule and a good bill. I thank my colleagues for supporting it. We need to get the other body in line with the supplemental.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4576, and that I may include tabular and extraneous material in the RECORD.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4576.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Ohio (Mr. GILLMOR) to assume the chair temporarily.

□ 1550

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with Mr. GILLMOR (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania (Mr. MURTHA) and I are pleased to bring before the Membership today the fiscal year 2001 appropriations bill for the Department of Defense. This bill, which received strong bipartisan support in our subcommittee and the Committee on Appropriations, passing through the committee with no amendments, continues the efforts of the Congress to ensure that our Nation's military is ready for the challenge of the 21st century. Those challenges are daunting as any we have faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

Mr. Chairman, let me say at the beginning of this that the foundation laid by our subcommittee is designed to make certain that America remains as the single superpower well into the next century. Indeed, the foundation laid in this committee's product is a direct result, first of all, of the work done by my colleague and my chairman, the gentleman from Florida (Mr. YOUNG) when he was chairman of this subcommittee, and now as full Committee chairman and before that, the

foundation was further laid by the gentleman from Pennsylvania (Mr. MURTHA) when he was chairman of the committee. I must say, if we have a committee in the House in which both parties work better together, I do not know what committee that is. For indeed, this is a product of the work of our very fine staff working with the members of the committee on both sides of the aisle who recognize just how critical it is that America be ready for the 21st century.

Mr. Chairman, let me say that this bill in many ways is a very forward-leaning bill. Among other things, perhaps most important, we have taken seriously the efforts on the part of the new chief of the Army, General Eric Shinseki, to develop a vision and a transformation strategy that will take our Army into a posture that will cause it to be the Army we need well into 2020, 2025, 2050. Indeed, it is the Army, the men and women of our military, who make a critical difference in terms of America's strength.

So I am proud to say that the bill is designed to accelerate the efforts on the part of General Shinseki in building that vision for the future.

Mr. Chairman, we are approximately \$1.2 billion above and beyond the budget request in connection with the Army's vision implementation. We have gone forward, rounding out the first interim brigade that Eric Shinseki is recommending, and we are fully funding as well a second brigade in support of his effort. We have included language that will require the Army to give us direct feedback so that we can monitor carefully the progress that is being made in their effort at Fort Lewis, Washington.

Let me say that as we look to the next century, the Members should know that we are hurdling into an age of warfare that will require heretofore unimaginable speed, complexity, and flexibility for our fighting machines and the men and women who design, build, and operate them. Imagine, if you will, a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores from the computer stations in the Pentagon.

This is no longer the stuff of science fiction. Our Armed Forces faced many of these challenges in their engagement in Kosovo, and it is indicative of the rapidly changing climate that the Congress and our military leaders must address for the real future.

Mr. Chairman, America, as I have suggested, is the country which will preserve freedom in the next century. This bill is designed to set the stage to be sure that we are ready for that. In connection with a fundamental piece of our direction, the bill includes over \$40

billion for the kind of R&D that will make sure that the assets are available that are required to do that sort of research that assures America's strength.

I might mention 2 other areas in which the bill is making an effort to lean forward. I would point out the fact that most are aware today of the reality that we could face some serious challenges in our communications systems, especially the computer in the months and years and the decades ahead. We have begun within this bill by providing a \$150 billion pool to begin to help us figure out what the questions are that need to be answered in the arena that we now describe as cyber war.

I might further mention that one of the elements that was more controversial in last year's bill relates to America's future efforts in terms of having the best available tactical fighters. This bill provides for the funding that was part of an agreement regarding the F-22 aircraft that took place last year. While the Air Force is going forward with the kind of testing that we feel is absolutely necessary to be sure that the F-22 is the airplane we hope it to be, we have laid the foundation with those commitments to testing while providing the funding, the full funding for 10 production aircraft that will keep them on a pathway to further tests of that aircraft.

Mr. Chairman, this is a very, very healthy appropriations bill that is some \$19.5 billion beyond last year's appropriation. The total amount is \$288.5 billion. Further, we should state for the RECORD that the bill is approximately \$3.5 billion beyond the President's budget request. It is a bill that has broadly-based bipartisan support.

Mr. Chairman, we are pleased to bring before the membership today the Fiscal Year 2001 appropriations bill for the Department of Defense. This bill, which received near-unanimous bipartisan support in our subcommittee and the Appropriations Committee, continues the efforts of Congress to ensure that our nation's military is ready for the challenges of the 21st Century. Those challenges are as daunting as any we faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

The bipartisan path we follow today toward strengthening our nation's forces was forged by my chairman, BILL YOUNG, in his years as chairman of this subcommittee. Before that, the groundwork was being laid by our ranking member, Congressman JOHN MURTHA, when he chaired the subcommittee. Their wealth of knowledge and commitment to our military are precious assets to Congress. I would also like to commend the hard work of all of the members and staff of the Defense Subcommittee. This bill is truly a fruit of their combined labors.

The Appropriations Committee submits to you today a Fiscal Year 2001 Appropriations

Bill for the Department of Defense that we believe will allow our armed forces to embark on a new millennium in military technology, deployment strategy and world view. It will allow us to demonstrate our commitment to our nation's defense by providing \$288.5 billion in new budget authority.

We are hurtling into an age of warfare that will require heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. Imagine a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores from computer stations in the Pentagon.

This is no longer the stuff of science fiction films. Our armed forces faced many of these challenges in their engagement in Kosovo. And it is indicative of the rapidly changing climate the Congress and our military leaders must address for the real future.

The bill we bring before you today strongly supports the need for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing this technology, looking not to today but to 2020, 2050 and beyond.

The most crucial commitment we must address, however, is the one we make to the soldiers, sailors, airmen, and Marines who are the reason America is the remaining superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The members of the Defense Subcommittee believe we must show our unequivocal support for our military men and women by providing them with the best pay and benefits, best working conditions, and best living conditions possible. Every member of Congress should take time in the coming year to visit military installations and experience the inspiring morale and commitment of our troops.

What you will find is an enthusiasm and level of technical expertise that would be the envy of our nation's business leaders. We are depending on these young men and women to operate some of the most sophisticated machinery and complicated battle plans in the world. When they receive adequate training and support, they rise to that challenge.

But you will also see a desperate need for barracks renovation and improved maintenance at our military installations. You will hear of a disturbing lack of spare parts, that combined with a high operating tempo has left much of our advanced equipment on the tarmac or in repair facilities indefinitely.

In spite of these shortfalls, we can still count on our men and women in uniform to dedicate themselves to protecting their nation. We must dedicate ourselves to providing the support they need to do that well.

To address the needs of our troops, the bill provides \$2 billion more than in FY 2000 for active and reserve personnel pay and benefits. We fully fund a pay raise for the troops. We add \$250 million to the budget request for

enlistment bonuses, housing allowances and other personnel investments. We have also increased funding for military health care and medical research by \$988 million over last year. A portion of these funds will implement the plan approved by the House in the authorization process to improve access to health care for service members, their dependents and the retired medical community.

Operation and maintenance accounts receive \$1.2 billion more than requested by the administration. This will continue help us tackle the critical shortages in facilities maintenance, field-level equipment maintenance and logistical support and spare parts. It also funds such basic needs as cold-weather clothing, body armor and shipboard living needs for sailors.

While this spending bill provides numerous incentives for our military leaders to reach toward the future, I would like to highlight two areas that we believe are particularly urgent.

The first is the Army Transformation, a much-needed overhaul of our basic ground forces. The subcommittee members enthusiastically support the Army Chief of Staff, General Ric Shinseki, in his vision to create new Army brigades, and eventually divisions, which he believes will be able to place a very strong, mobile force into a battle situation within 96 hours. The Chief has proposed to jumpstart this process by standing up, in fiscal year 2001, two new medium combat brigades. Our spending bill would fully fund those brigades. And we strongly urge the Army to reform its internal structure to revitalize and modernize procurement processes. We must put an end to weapons systems that take 30 years to develop.

The other forward-looking element of the bill is a \$150 million addition over the budget for what are popularly known as "cyber-war" systems. The recent international outbreak of the Love Bug virus is only the latest danger signal that anyone anywhere in the world is capable of compromising our computer systems. The military must be on the cutting edge of information technology and its uses, but we must also recognize that the growing use of this technology brings potential vulnerabilities.

Finally, I would like to briefly address a subject many of you will remember from last year: Our tactical fighter program and the F-22. This year, we have funded the first 10 production models of this fighter, which has the potential to be one of our most fabulous assets. But our bill continues the requirement that critical Block 3.0 avionics software be tested in the aircraft before production begins, and also requires a report of the adequacy of testing overall.

In conclusion, I believe this spending bill commits Congress to providing the support our military leaders need to defend our nation, and defend freedom around the world. This commitment must be continued and increased in future years, for while ensuring peace is expensive, the alternative is war, whose costs are unimaginable.

At this point I would like to insert for the RECORD a brief summary of the funding recommendations in this bill.

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army.....	22,006,361	22,198,457	22,242,457	+ 236,096	+ 44,000
Military Personnel, Navy.....	17,258,823	17,742,897	17,799,297	+ 540,474	+ 56,400
Military Personnel, Marine Corps.....	6,555,403	6,822,300	6,818,300	+ 262,897	- 4,000
Military Personnel, Air Force.....	17,861,803	18,282,834	18,238,234	+ 376,431	- 44,600
Reserve Personnel, Army.....	2,289,996	2,433,880	2,463,320	+ 173,324	+ 29,440
Reserve Personnel, Navy.....	1,473,388	1,528,385	1,566,095	+ 92,707	+ 37,710
Reserve Personnel, Marine Corps.....	412,650	436,386	440,886	+ 28,236	+ 4,500
Reserve Personnel, Air Force.....	892,594	981,710	980,610	+ 88,016	- 1,100
National Guard Personnel, Army.....	3,610,479	3,747,636	3,719,336	+ 108,857	- 28,300
National Guard Personnel, Air Force.....	1,533,196	1,627,181	1,635,681	+ 102,485	+ 8,500
Total, title I, Military Personnel.....	73,894,693	75,801,666	75,904,216	+ 2,009,523	+ 102,550
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army.....	19,256,152	19,073,731	19,386,843	+ 130,691	+ 313,112
(By transfer - National Defense Stockpile).....	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Navy.....	22,958,784	23,250,154	23,426,830	+ 468,046	+ 176,676
(By transfer - National Defense Stockpile).....	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Marine Corps.....	2,808,354	2,705,658	2,813,091	+ 4,737	+ 107,433
Operation and Maintenance, Air Force 2/.....	20,896,959	22,296,977	22,316,797	+ 1,419,838	+ 19,820
(By transfer - National Defense Stockpile).....	(50,000)	(50,000)	(50,000)	.....	.....
Operation and Maintenance, Defense-Wide.....	11,489,483	11,920,069	11,803,743	+ 314,260	- 116,326
Operation and Maintenance, Army Reserve.....	1,469,176	1,521,418	1,596,418	+ 127,242	+ 75,000
Operation and Maintenance, Navy Reserve.....	958,978	960,946	992,646	+ 33,668	+ 31,700
Operation and Maintenance, Marine Corps Reserve.....	138,911	133,959	145,959	+ 7,048	+ 12,000
Operation and Maintenance, Air Force Reserve.....	1,782,591	1,885,859	1,921,659	+ 139,068	+ 35,800
Operation and Maintenance, Army National Guard.....	3,161,378	3,182,335	3,263,235	+ 101,857	+ 80,900
Operation and Maintenance, Air National Guard.....	3,241,138	3,446,375	3,480,375	+ 239,237	+ 34,000
Overseas Contingency Operations Transfer Fund.....	1,722,600	4,100,577	4,100,577	+ 2,377,977	.....
United States Court of Appeals for the Armed Forces.....	7,621	8,574	8,574	+ 953	.....
Environmental Restoration, Army.....	378,170	389,932	389,932	+ 11,762	.....
Environmental Restoration, Navy.....	284,000	294,038	294,038	+ 10,038	.....
Environmental Restoration, Air Force.....	376,800	376,300	376,300	- 500	.....
Environmental Restoration, Defense-Wide.....	25,370	23,412	23,412	- 1,958	.....
Environmental Restoration, Formerly Used Defense Sites.....	239,214	186,499	196,499	- 42,715	+ 10,000
Overseas Humanitarian, Disaster, and Civic Aid.....	55,800	64,900	56,900	+ 1,100	- 8,000
Former Soviet Union Threat Reduction.....	460,500	458,400	433,400	- 27,100	- 25,000
Pentagon Renovation Transfer Fund.....	222,800	.....	.....	- 222,800	.....
Quality of Life Enhancements, Defense.....	300,000	.....	480,000	+ 180,000	+ 480,000
Total, title II, Operation and maintenance.....	92,234,779	96,280,113	97,507,228	+ 5,272,449	+ 1,227,115
(By transfer).....	(150,000)	(150,000)	(150,000)	.....	.....
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army.....	1,451,688	1,323,262	1,547,082	+ 95,394	+ 223,820
Missile Procurement, Army.....	1,322,305	1,295,728	1,240,347	- 81,958	- 55,381
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,586,490	1,874,638	2,634,786	+ 1,048,296	+ 760,148
Procurement of Ammunition, Army.....	1,204,120	1,131,323	1,227,386	+ 23,266	+ 96,063
Other Procurement, Army.....	3,738,934	3,795,870	4,254,564	+ 515,630	+ 458,694
Aircraft Procurement, Navy.....	8,662,655	7,963,858	8,179,564	- 483,091	+ 215,706
Weapons Procurement, Navy.....	1,383,413	1,434,250	1,372,112	- 11,301	- 62,138
Procurement of Ammunition, Navy and Marine Corps.....	525,200	429,649	491,749	- 33,451	+ 62,100
Shipbuilding and Conversion, Navy.....	7,053,454	12,296,919	12,266,919	+ 5,213,465	- 30,000
Other Procurement, Navy.....	4,320,238	3,334,611	3,433,063	- 887,175	+ 98,452
Procurement, Marine Corps.....	1,300,920	1,171,935	1,229,605	- 71,315	+ 57,670
Aircraft Procurement, Air Force.....	8,228,630	9,539,602	10,064,032	+ 1,835,402	+ 524,430
Procurement of Ammunition, Air Force.....	442,537	638,808	638,808	+ 196,271	.....
Missile Procurement, Air Force.....	2,211,407	3,061,715	2,893,529	+ 682,122	- 168,186
Other Procurement, Air Force.....	7,146,157	7,699,127	7,778,997	+ 632,840	+ 79,870
Procurement, Defense-Wide.....	2,249,566	2,275,308	2,303,136	+ 53,570	+ 27,828
National Guard and Reserve Equipment.....	150,000	.....	.....	- 150,000	.....
Defense Production Act Purchases.....	3,000	.....	3,000	.....	+ 3,000
Total, title III, Procurement.....	52,980,714	59,266,603	61,558,679	+ 8,577,965	+ 2,292,076
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	5,266,601	5,260,346	6,025,057	+ 758,456	+ 764,711
Research, Development, Test and Evaluation, Navy.....	9,110,326	8,476,677	9,222,927	+ 112,601	+ 746,250
Research, Development, Test and Evaluation, Air Force.....	13,674,537	13,685,576	13,760,689	+ 86,152	+ 75,113
Research, Development, Test and Evaluation, Defense-Wide.....	9,256,705	10,238,242	10,918,997	+ 1,662,292	+ 680,755
Developmental Test and Evaluation, Defense.....	265,957	.....	.....	- 265,957	.....
Operational Test and Evaluation, Defense.....	31,434	201,560	242,560	+ 211,126	+ 41,000
Total, title IV, Research, Development, Test and Evaluation.....	37,605,560	37,862,401	40,170,230	+ 2,564,670	+ 2,307,829

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	90,344	916,276	916,276	+ 825,932	.....
National Defense Sealift Fund:					
Ready Reserve Force	257,000	258,000	270,500	+ 13,500	+ 12,500
Acquisition	460,200	130,158	130,158	-330,042	.....
Total	717,200	388,158	400,658	-316,542	+ 12,500
Total, title V, Revolving and Management Funds	807,544	1,304,434	1,316,934	+ 509,390	+ 12,500
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	10,522,847	11,244,543	11,525,143	+ 1,002,496	+ 280,600
Procurement	356,970	290,006	290,006	-66,964	.....
Research and development	275,000	65,880	327,880	+ 52,880	+ 262,000
Total, Defense Health Program	11,154,817	11,600,429	12,143,029	+ 988,412	+ 542,600
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance	543,500	607,200	607,200	+ 63,700	.....
Procurement	191,500	121,900	105,700	-85,800	-16,200
Research, development, test, and evaluation	294,000	274,400	214,200	-79,800	-60,200
Total, Chemical Agents	1,029,000	1,003,500	927,100	-101,900	-76,400
Drug Interdiction and Counter-Drug Activities, Defense	847,800	836,300	812,200	-35,600	-24,100
Office of the Inspector General	137,544	147,545	147,545	+ 10,001	.....
Total, title VI, Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	+ 860,913	+ 442,100
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	209,100	216,000	216,000	+ 6,900	.....
Intelligence Community Management Account	158,015	137,631	224,181	+ 66,166	+ 86,550
Transfer to Dept of Justice	(27,000)	(27,000)	(33,100)	(+ 6,100)	(+ 6,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	35,000	25,000	25,000	-10,000	.....
National Security Education Trust Fund	8,000	6,950	6,950	-1,050	.....
Total, title VII, Related agencies	410,115	385,581	472,131	+ 62,016	+ 86,550
TITLE VIII					
GENERAL PROVISIONS					
Ship Transfers (FY99 with FY2000 carryover)	-170,000	.....	.....	+ 170,000	.....
Additional transfer authority (Sec. 8005)	(1,600,000)	(2,000,000)	(2,000,000)	(+ 400,000)	.....
Indian Financing Act incentives (Sec. 8022)	8,000	.....	8,000	.....	+ 8,000
Disposal & lease of DOD real property (Sec. 8037)	32,200	24,000	24,000	-8,200	.....
Overseas Military Fac Investment Recovery (Sec. 8040)	4,300	3,000	3,000	-1,300	.....
Rescissions (Sec. 8054)	-350,180	.....	-690,492	-340,312	-690,492
FY 1999 Economic Adjustment (rescission)	-452,100	.....	.....	+ 452,100	.....
Women in Service for America Memorial	5,000	.....	.....	-5,000	.....
Civilian personnel under execution	-123,200	.....	.....	+ 123,200	.....
Foreign Currency Rev Economic Assumptions (Sec. 8092)	-171,000	.....	-537,600	-366,600	-537,600
A-76 Studies	-100,000	.....	.....	+ 100,000	.....
WMD consequence management	35,000	.....	.....	-35,000	.....
Travel Cards (Sec. 8098)	5,000	5,000	5,000	.....	.....
Recovery of DoD admin expenses from FMS	-87,000	.....	.....	+ 87,000	.....
Advance pay appropriation	-1,838,426	.....	.....	+ 1,838,426	.....
Transfer to Department of Transportation	(5,000)	.....	.....	(-5,000)	.....
Aircraft leasing	19,000	.....	.....	-19,000	.....
Munitions/Readiness	-100,000	.....	.....	+ 100,000	.....
Red Cross	5,000	.....	.....	-5,000	.....
United Service Organizations	5,000	.....	.....	-5,000	.....
F-22 Program Transfer Account	1,000,000	.....	.....	-1,000,000	.....
F-22 Program Termination Liability	300,000	.....	.....	-300,000	.....
Performance Based Academic Model (Sec. 8104)	5,500	.....	5,000	-500	+ 5,000
Seattle Conveyance	1,000	.....	.....	-1,000	.....
Eisenhower Memorial Commission	300	.....	.....	-300	.....
Rome Labs	13,000	.....	.....	-13,000	.....
Aviation Support Facility	10,000	.....	.....	-10,000	.....
Depot Maintenance	-400,000	.....	.....	+ 400,000	.....
Spares	-550,000	.....	.....	+ 550,000	.....
Base Operations	-100,000	.....	.....	+ 100,000	.....
Munitions	-356,400	.....	.....	+ 356,400	.....
O&M general reduction	-7,200,000	.....	.....	+ 7,200,000	.....
O&M contingent emergency	7,200,000	.....	.....	-7,200,000	.....
Working Capital Fund Cash Balances (Sec. 8085) .....	.....	.....	-800,000	-800,000	-800,000
Foreign Currency Cash Balance Stabilization (Sec. 8109) .....	.....	.....	-463,400	-463,400	-463,400
Total, title VIII	-3,350,006	32,000	-2,446,492	+ 903,514	-2,478,492
Grand total	267,752,360	284,520,572	288,512,800	+ 20,760,440	+ 3,992,228

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER APPROPRIATIONS					
Waiver of certain sanctions against India and Pakistan.....	43,000			-43,000	
P.L. 106-113:					
Title II - O&M, Army.....	100,000			-100,000	
Title VI - 1994 Friendly Fire Settlement	2,000			-2,000	
Title III - Across the board cut (0.38%).....	-1,028,000			+ 1,028,000	
Total, other appropriations.....	-883,000			+ 883,000	
Adjusted total (incl other appropriations).....	266,869,360	284,520,572	288,512,800	+ 21,643,440	+ 3,992,228
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Adjustment for unapprop'd balance transfer (Stockpile)	150,000	150,000	150,000		
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000		
Spectrum	-2,600,000			+ 2,600,000	
Subtotal	-2,600,000			+ 2,600,000	
Advance pay appropriation (P.L. 106-31).....	1,838,426			-1,838,426	
Total adjustments	-761,574			+ 761,574	
Adjusted total (incl scorekeeping adjustments)	266,107,786	284,520,572	288,512,800	+ 22,405,014	+ 3,992,228
RECAPITULATION					
Title I - Military Personnel	73,894,693	75,801,666	75,904,216	+ 2,009,523	+ 102,550
Title II - Operation and Maintenance	92,234,779	96,280,113	97,507,228	+ 5,272,449	+ 1,227,115
(By transfer)	(150,000)	(150,000)	(150,000)		
Title III - Procurement.....	52,980,714	59,266,603	61,558,679	+ 8,577,965	+ 2,292,076
Title IV - Research, Development, Test and Evaluation	37,605,560	37,862,401	40,170,230	+ 2,564,670	+ 2,307,829
Title V - Revolving and Management Funds	807,544	1,304,434	1,316,934	+ 509,390	+ 12,500
Title VI - Other Department of Defense Programs.....	13,168,961	13,587,774	14,029,874	+ 860,913	+ 442,100
Title VII - Related agencies	410,115	385,581	472,131	+ 62,016	+ 86,550
Title VIII - General provisions	-3,350,006	32,000	-2,446,492	+ 903,514	-2,478,492
Total, Department of Defense (in this bill).....	267,752,360	284,520,572	288,512,800	+ 20,760,440	+ 3,992,228
Funds provided in Supplemental Acts	1,838,426			-1,838,426	
Other appropriations	-883,000			+ 883,000	
Total DoD funding available.....	268,707,786	284,520,572	288,512,800	+ 19,805,014	+ 3,992,228
Other scorekeeping adjustments	-2,600,000			+ 2,600,000	
Total mandatory and discretionary	266,107,786	284,520,572	288,512,800	+ 22,405,014	+ 3,992,228
RECAP BY FUNCTION					
Mandatory.....	209,100	216,000	216,000	+ 6,900	
Discretionary:					
General purpose discretionary:					
Defense discretionary.....	265,898,686	284,304,572	288,296,800	+ 22,398,114	+ 3,992,228
Nondefense discretionary					
Total discretionary	265,898,686	284,304,572	288,296,800	+ 22,398,114	+ 3,992,228
Grand total, mandatory and discretionary	266,107,786	284,520,572	288,512,800	+ 22,405,014	+ 3,992,228

1/ Included in Budget under Procurement title.

2/ O&M, AF request reduced by \$300,000 by a technical correction budget amendment (H. Doc. 106-222).

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, everyone in this House knows that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) are pros. They understand this defense budget, they know their stuff, and they know it in detail. They are truly legislative craftsmen.

However, I want to get some things off my chest, nonetheless, about this bill and the context in which it is being presented. The President presented to the Congress a defense bill which had a hefty \$16 billion, 6 percent increase. It contained the President's recommendation for a military pay raise, it made sure that we hit the \$60 billion target for procurement, and it was presented to the Congress in the context of other administration initiatives to also make needed investments in education, in health care, in science, and in environmental cleanup across the board.

□ 1600

This bill comes to us in a quite different context. This bill raises the President's request for the military budget by \$4 billion, and it does so at the same time that it requires that we cut over the next 5 years \$125 billion out of domestic programs for education, health care, and the like. It also does so in the context of the majority party insistence that we pass, in piecemeal fashion, tax cuts largely aimed at the wealthiest people in our society, which will total over \$700 billion over that same time period.

We cannot do all of those things and meet the obligations we have to this society. We are not going to be able to eliminate the debt that everyone promises we are going to eliminate if the majority party insists on tax cuts of those magnitude, especially aimed where they aim them. If they do insist on those tax cuts, then something else has to give, in my opinion.

I want to simply point out one thing about this bill. This chart demonstrates what we spend versus what everybody else in the world spends on defense. We are now spending \$266 billion, represented by that blue bar. NATO is spending \$227 billion. The last time I looked, they were on our side.

If we take a look at what "they" spend, our potential main opponents, Russia is spending \$54 billion; China, \$37 billion; Iran, \$6 billion; North Korea, \$2 billion; Libya, \$1 billion. That is not the picture of a country in trouble in terms of defense preparedness.

Despite these gross differences, I would be willing to support this bill if it were presented in a balanced context, if it were not presented at the same time that the majority party is

asking us to provide billions of dollars in excessive tax cuts, and in the context of what is happening on the other side of the budget, where we are forcing a huge squeeze on education, on health care, on job training and the rest.

In that context, I do not believe this bill makes sufficiently tough choices in a number of areas, most especially with respect to the aircraft choices being made by the Pentagon.

I have in the committee report listed my concerns, most especially my concerns about the F-22. We have been given three separate caution flags by agencies that we ought to pay attention to: the Pentagon's director of Operational Testing and Evaluations, the committee's own Surveys and Investigation staff, and the General Accounting Office, which said we should be producing no more than six of those aircraft, instead of the expanded number in the bill.

I think that is just one example of the choices which this Congress is not making that it should be making if it is going to impose much deeper reductions and a much tighter squeeze on the rest of the budget. So if Members want my vote for a bill like this, they have to bring it to the floor in the context of a better balance between what we are doing to deal with our education problems, our health care problems, our national security problems, and most especially what we are doing on the tax side of the aisle.

We could afford the tax cuts we are talking about if we were not trying to fund increases like this, maybe. But we certainly cannot afford them both. It is about time this Congress makes some of the tough choices in this bill that it is making in other bills, or else recognize that there is no room in the budget for the excess of tax cuts that we are bringing to the floor piece by piece.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

Mr. Chairman, I want to rise in strong support of this bill. This is a good bill. The subcommittee has worked really hard to fashion a bill that meets the needs as best they could with the funding available to them.

I would like to compliment and congratulate the subcommittee chairman, the gentleman from California (Mr. LEWIS), who has done such a magnificent job as chairman of the subcommittee, and his partner and our very dear friend, the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, who in his turn served as chairman of the subcommittee. They have done a good job.

I rise today to discuss an important role that Congress plays in the whole business of national defense. I have reviewed the Constitution today, as I do periodically. Article 1, Section 8 of the

Constitution, which provides the authorities and responsibilities of the Congress, talks about providing for the common defense.

It also says that Congress "has the authority to raise and support the armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces."

I take that responsibility very seriously, as I know my colleagues in the House do, Mr. Chairman. But we have more of a responsibility than just sending troops into combat or declaring war. We have more of an obligation to those who serve in the military of our country not only to give them the best training that is second to none, the best equipment that we hope will be second to none, but we also have an obligation to house them, to clothe them, to feed them, to provide their health care, not only to those who serve in the uniform, but also their families.

I want to rise today, and I appreciate the gentleman yielding the time to me, to discuss some issues that are in my opinion very important as they relate to military health care.

As many of my colleagues know, during my long tenure as a Member of the Subcommittee on Defense of the Committee on Appropriations, and 5 years ago became its chairman, I was totally committed and an outspoken advocate for our military families and their health care.

Today, as chairman of the full committee, I continue that commitment, because it is essential. It is an obligation that we have as Members of Congress to care for these troops and their families. That includes proper medical care.

That support is evident by the fact that since fiscal year 1996, the Committee on Appropriations has recommended and Congress has approved \$66 billion for the defense health program. That is an amount that is \$3.5 billion more than the President requested for military health care for that same period. Of that \$3.5 billion increase, about \$2.5 billion was provided for urgent requirements of the Department of Defense.

In other words, the Department's budgets for military health were grossly insufficient when they arrived in the Congress. If Congress had not provided these additional funds, the health care of military families and military retirees would have been severely affected.

To give an idea of how much was needed year by year for the last few years, let me add this. In fiscal year 1997, Congress added \$475 million over the President's budget for military health care. In 1998, we added another \$274 million as a budget amendment. In fiscal year 1999, we added \$200 million over the President's budget in our supplemental. In the supplemental for this year, 2000, we added \$1.6 billion. That provision is now in conference. Hopefully we will respond to that quickly.

Needless to say, this support for military medicine and quality care continues under the outstanding leadership of the chairman, the gentleman from California (Mr. LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA). This bill today appropriates over half a billion dollars more than the administration requested for military medicine.

I raise the issue because it is important to understand that besides just preparing them for wars and battles, that it is our responsibility to provide health care for those who serve in our military, whether it is at time of war, time of battle, or whether there are injuries in training. Whatever it might be, it is our responsibility. We provide for the hospitals and the clinics and the doctors and the nurses and the corpsmen and the specialists, all who serve our military men, women, and their families.

I have been concerned about these extra monies that we have had to increase, but we have done it. I am just not satisfied that all of those monies are being used effectively. To the contrary, I think maybe there is too much bureaucracy. Maybe there is too much administrative staffing. There is something wrong, because my office and the office of the Committee on Appropriations have received numerous complaints.

In one of our military hospitals today, as we sit here in this Chamber, lies a retired Marine colonel who received the Medal of Honor in Vietnam, a real hero. He had a serious operation a few days ago, and he laid in pain in his bed for almost a whole day when the pain machine that he was given did not work. These are machines that allows the patient to push a button and a measured amount of painkiller then will enter the body and help ease the pain. For nearly a day, after request after request, that Marine colonel, Medal of Honor recipient, laid in pain. That is just not right.

Another case, a young soldier was shot during a training exercise. He was moved to one of our military hospitals. Early one morning he had stabbing pains with every breath that he took. Orders were given to do CAT scans or x-rays to find out what was causing this problem, but it was a Sunday, and the tests that were ordered Sunday morning had not been done even as late as late Sunday night. But thank God for the intervention of a doctor outside of that particular institution who went to that hospital and insisted that the test be done.

Those tests resulted in the discovery that this young Marine had two pulmonary embolisms, either one of which could have broken loose at a moment's notice and killed him. That is not right. Something needs to be done.

I had planned to offer an amendment today that would have dealt with this issue very, very effectively, but I have been in contact with a member of our Defense Department for whom I have

tremendous respect and we have discussed this issue at length. He has promised that he will do everything that he possibly can to correct these situations wherever they might be.

So I am not going to offer that amendment today, but I will reserve that amendment for a future date if necessary. Again, I want to remind my colleagues, it is our obligation. We are responsible under the Constitution for the men and women who serve in our uniform, and their health care is just part of it. We provide for the hospitals, we provide for the staff. It is our obligation. If we see something that is not working properly, it is our obligation to fix it. I make that commitment to my colleagues today, that I will be there on the front line to fix these problems wherever I find them.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the chairman of the committee and I have discussed this whole subject area very extensively. The gentleman has brought to my personal attention some of the serious difficulties that actually exist out there in this hospital system.

I want the chairman to know that our subcommittee is committed, following the time we get through with the conference, to bring our committee together to have public hearings regarding this matter, and to bring in the authorizers as well, to make sure that we get at the bottom of the very questions that are being raised. It is not going to be taken lightly by this subcommittee.

Mr. YOUNG of Florida. I thank the chairman for that, Mr. Chairman, and I appreciate that commitment.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I would like to bring to the subcommittee chairman's attention the Next Generation Small Loader program included in the bill. The bill cuts funding for the NGSL program by \$12.6 million. The United States Air Force estimates the number of loaders for FY 2001 would be reduced by 60 percent.

I am concerned that the committee's adjustment was based on information that was outdated and incomplete. Considering that the current materials-handling fleet, which this new loader will supplement, is short by more than 100 units from the authorized number, and considering that more than half of the existing loaders are outdated and ready for retirement, I believe it is imperative that any adjustments made to this program be based on the latest and best information available.

Mr. Chairman, would the chairman be willing to review this program again

going into conference, and if the facts merit, work to restore funding as appropriate for this important program?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from California.

Mr. LEWIS of California. I would be happy to revisit this matter going into conference to ensure that the committee has all available information to make the best possible judgment on the appropriate funding level for this program.

Mr. WICKER. I thank the distinguished subcommittee chair.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY) for a colloquy.

Mr. RILEY. Mr. Chairman, as a member of the Committee on Armed Services, I know how difficult the task was this year, given the amount of the President's request and the magnitude of the unfunded requirements list the service chiefs presented to us earlier this year. Many difficult choices have been made, and I appreciate very much the chairman's willingness to take the time today to address an issue here that is critical to our military readiness and important to the citizens of my district.

This year the authorizing committee, both authorizing committees, included \$50 million in additional funds for the M-113 upgrades, while no additional funds were included in either appropriation bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from Alabama (Mr. RILEY), as one of the Members concerned with these things in the Committee on Armed Services, I know the gentleman from Alabama does understand how difficult this process has been.

□ 1615

We have worked hard to address the Chiefs' requirements, given current budget restraints. I appreciate the gentleman's particular concerns about this funding shortfall and the impact it will have on his constituents who work on the M113.

Mr. RILEY. Mr. Chairman, recognizing that there could be job losses next year if the current funding level in this bill is enacted, I ask the gentleman if he will agree to bring this issue up in conference.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would continue to yield, I am happy he brought this funding matter to our attention. We definitely will be discussing it in conference, and I look forward to continuing to work with the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, as the gentleman from California (Mr. LEWIS) knows, I think this is an excellent bill that he has brought to the floor today, but there are three issues that I hope might receive additional attention in the context of conference.

First, the sole domestic manufacturer of sonar domes has been working on an advanced submarine sonar dome that will result in a less expensive, more capable system. This is a program of great importance to the Navy and the Nation and was authorized by the House this year at \$2 million.

Second, I remain concerned that the training requirements of the Army National Guard did not receive adequate consideration in the President's budget request. A critical training device known as A-FIST XXI, which is the Guard's number one unfunded training system requirement and which the House authorized at \$9 million this year, did not receive funding.

Finally, I would note my interest in the S-3B Surveillance System Upgrade program which has been funded by Congress in the past and was authorized by the House this year at \$12 million. SSU has leveraged existing technologies to yield highly successful tactical exercises that have drawn the praise of fleet commanders.

Mr. Chairman, I would certainly appreciate the assurance of the gentleman from California (Mr. LEWIS) that the committee will look at these programs carefully in the context of conference to consider whether additional attention and funding may be in order.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say to the gentlewoman, I cannot express deeply enough how strongly I appreciate her work with us by way of her participation on the authorizing committee. I am certainly happy to give her my assurance that we will look at these programs carefully as we go to conference.

Mr. KUYKENDALL. Mr. Chairman, I rise today to express my support for H.R. 4576, the Defense Appropriations Act for Fiscal Year 2001. This bill is a fair and balanced approach to address the military's many legitimate needs with the limited funds available. I especially appreciate the efforts to address health-care issues facing both our active duty and retired veterans. It is essential for our servicemen and women to have quality, accessible and affordable health care. Given the current economic prosperity in America, sustaining an all-voluntary military force has been challenging. Add to that a disgruntled population of retired veterans, many who have been an important part of our recruiting effort in the past, and sustaining appropriate personnel levels becomes nearly impossible. The House Armed Services Committee (HASC) recently began the process of addressing these difficult issues, in spite of the enormous costs associated with these problems. The Defense Appropriations Subcommittee had the difficult task of

fulfilling the HASC's commitment by finding the budgetary resources.

Another critical issue that we continue to focus on is modernization of our military equipment. Modernization is difficult enough when the only question is replacing old equipment with similar new equipment. However, advances in technology and manufacturing are causing everyone in defense to revisit how we perform R&D and procurement in a manner that keeps pace with the advances in technology and ensures timely fielding and upgrading of equipment. As always, we must provide our soldiers, sailors, airmen, and marines with modern equipment, ensuring that they continue to succeed on today's battlefield. I applaud the leadership you have provided as this committee determines funding levels needed to shape and define our future armed forces.

While I fully support the objectives and provisions of this bill, I am disappointed in the committee's recommendation to terminate the Discoverer II program. I appreciate the expense involved to field a complete constellation of satellites. However, I believe the decision to terminate this program may be premature. The benefits of tracking ground movements from a satellite-based system are undeniable. For example, during the Kosovo operation, weather impeded or canceled many scheduled aircraft sorties, including those aircraft necessary to gather aerial intelligence. Receiving intelligence data from a space-based asset that can provide coverage 24 hours a day, unconstrained by weather or political boundaries will be beneficial to warfighters and their planners, avoiding many of the problems we encountered in Kosovo. Advances in technology enable us to capture vast amounts of intelligence data—so much so that the infrastructure required to disseminate this increased amount of data has not kept pace. Fixing this processing problem at the expense of denying future intelligence gathering capabilities is not the answer. While I understand the committee's desire to ensure the viability of all our intelligence gathering and disseminating systems, I would urge it to keep available all options concerning future requirements and systems, like Discoverer II, that might fulfill those requirements.

Thank you, Mr. Chairman, and I urge my colleagues to support America's military by voting to support this bill.

Mr. HAYES. Mr. Chairman, for almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton administration's cutting ax. We have gone from a budget in 1992 that exceeded \$300 billion to a budget that in the mid-90's fell perilously low. This year, thanks to the vigilance of the Defense Appropriations chairman and his subcommittee, Congress will reverse the downward and misguided trend in our nation's defense spending. I applaud the chairman for his leadership and support his call to renew our commitment to the men and women who selflessly serve in the defense of our country.

One of the things I didn't fully realize before coming to Congress is the true crisis in readiness that has taken shape in our military. When you look at the big picture, the problem is easy to understand: Over the last 10 years, our service branches have been forced into far more missions while receiving less and less dollars. Consider this:

In the last 10 years, we have more than doubled our number of deployments.

From 1950–1990 the United States deployed its troops 10 times.

However, since 1990, we have deployed our troops over 30 times.

We have been doing this with shrinking forces.

In 1990 the U.S. military had 18 Army divisions, 546 Navy battle force ships and 36 fighter wings.

Today, we have only 10 Army divisions, 346 Navy battle force ships and 20 fighter wings.

That isn't surprising given the fact that our national investment in our Armed Forces went down sharply.

From 1986–1997, defense spending declined by \$150 billion.

This isn't right. Without true national security, we can't move forward and work for a stronger economy, better education or higher quality health care. If we continue to deprive the men and women who defend our country of the assets and resources they need to do their job, we will all ultimately pay the price.

This year's defense appropriations bill continues the good work we began last year in what was called "the year of the troops." I look forward to returning to my district and telling the young soldiers and airmen at Ft. Bragg and Pope Air Force Base that our work last year was no fluke. That we are resolved to strengthen once again our Armed Forces and this year's appropriations represents another important step to ensure our men and women in uniform have the resources they need.

I urge my colleagues not to forget a profound statement of President Calvin Coolidge, "The nation which forgets its defenders will be itself forgotten."

Mr. STARK. Mr. Chairman, I adamantly oppose H.R. 4576, the Defense Appropriations bill for Fiscal Year 2001. This bill spends \$288.5 billion for defense programs. However, this amount does not include the \$8.6 billion already passed by the House in the Military Construction Appropriations bill (H.R. 4425), nor does it include the \$13 billion expected to be allocated for defense needs in the upcoming Energy and Water Appropriations bill. The three measures provide \$310 billion on defense needs alone. Monday, the Washington Post reported that the Joint Chiefs of Staff are preparing to request increases in military spending of more than \$30 billion per year over the next 10 years starting in FY 2002. The U.S. Congress must not yield to the whims of the Joint Chiefs and the demands of military contractors when the American people have real needs that Government can provide.

This is the wrong time to throw money at pork-barrel defense projects such as the national missile defense (NMD) system and the F-22 program. The U.S. is experiencing unprecedented economic growth and the federal budget is balanced. Now is the time that we should provide health insurance for the eleven million children without it, provide a Medicare prescription drug benefit for 39 million Medicare beneficiaries, and ensure solvency of the Social Security and Medicare systems for the millions of baby boomers in their near retirement years. Let's make no mistake about priorities—the Republican majority has done nothing to extend the solvency of Medicare or Social Security in the 106th Congress. Now they want to squander hundreds of billions of dollars on high-cost, unreliable weapons systems.

According to recent analysis by the General Accounting Office, the F-22 aircraft program

continues to encounter various problems with defects in the aircraft structure causing delays and fewer flight tests per month. In addition, the GAO analysis indicates that the Air Force has not been able to control F-22 costs. The GAO recommends that the F-22 low-rate production should be limited to approximately seven aircraft per year. Merry Christmas, Lockheed and Boeing—you get 10 unproven F-22s from Congress!

The Department of Defense has spent \$18 billion on the F-22 since the mid-1980's. The project is too expensive and simply not needed. The program was initiated in 1981 to meet the threat of next generation Soviet aircraft. However, that threat no longer exists. Last year's war in Kosovo illustrates why the U.S. does not need the F-22. The current fleet of F-15s and F-16s demonstrated U.S. dominance in the air in Kosovo. Proponents of the F-22 claim that the aircraft is far superior than the F-15 in air to air combat. This is yet to be determined, but given it is true, we never had air to air combat in Kosovo and we don't need anything superior. The Yugoslav Air Force never engaged the U.S. in air to air combat because they would have faced defeat much sooner. No nation in the world comes close to challenging U.S. air dominance. However, there are many countries that scoff at the U.S. for not providing health insurance to our children. Eliminating the 10 F-22s appropriated in today's bill will allow us to insure 1.6 million children currently without health insurance.

Attention in recent months has focused on the military's readiness problems and difficulty recruiting and retaining quality people, yet today's appropriations bill continues to stress weapons over personnel and training. While funding for Operations and Maintenance, the so-called "readiness" account, goes up by 5% and the personnel account rises 2%, funding for the purchase of new weapons goes up over 16%. The U.S. spends two-and-a-half times what Russia, China and all potential threat countries spend on their militaries combined. We are preparing for World War III against a phantom enemy that cannot rival U.S. military strength.

We could save \$40 billion per year if we keep our current generation of sophisticated weapons systems; cut nuclear weapons to no more than 1,000 warheads; continue research and development programs on new technology rather than introduce it into the force; and cut back on deployments in Europe. This would enable my home state of California to provide health care for every uninsured child in the state and provide Head Start for 94,209 additional children. It would also give California \$1.3 billion to rebuild our schools and enough to build 18,506 affordable housing units.

I encourage my colleagues to dissect our annual defense spending and expose the façade that the GOP is helping the men and women in uniform. The leadership is helping those who line their campaign pockets. There are too many domestic needs to make pork-barrel defense spending our number one spending priority. I urge my colleagues to join me in voting no on the Defense Appropriations bill before us today.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Department of Defense Appropriations bill. I am very disappointed with this bill. Let me say at the outset of this debate many of us are aware of the need to pro-

tect democracy at home and promote it abroad. However, the question here today is at what cost?

Do we really need to spend \$183 million for 60 Blackhawk helicopters while at the same time withhold \$1.3 billion for much needed school renovation?

Do we really need to spend \$709 million to repair faulty Apache helicopters while at the same eliminate the elementary school counselors program? I am sure all of us are aware of the 13-year-old honor student accused of killing his English teacher simply because he was reprimanded for throwing water balloons.

Do we really need to spend \$285 million for 2,200 Hellfire missiles? What is a Hellfire Missile?

Do we really need to spend \$433 million for 12 Trident II ballistic missiles? While in the very next bill that we must vote on today will cut \$26 million from reading instruction programs, \$416 million from title 1 reading and math programs and \$600 million from our Nation's Head Start programs.

Mr. Chairman, building a strong army is not enough to promote democracy or protect our society. It is our duty here in Congress to build a society where no sick person will go untreated, no hungry person will go without food, no able bodied person will go without adequate employment and good schools will be provided for every American child.

This bill is too expensive, unnecessary and I urge all Members to vote "no."

Mr. BISHOP. Mr. Chairman, I rise today in support of H.R. 4576, the Defense Appropriations for FY 2001. I wish to commend Chairman LEWIS and Ranking Member MURTHA for crafting a bill which provides the necessary tools for military readiness and a better quality of life for our men and women in the armed services.

I believe, as the vast majority of Americans do, in a strong national defense. We live in an uncertain time and an unstable world. While the Soviet Union is no longer considered an enemy and no other nation has assumed the "evil empire" status, there are nations arming themselves and becoming real threats to our national security.

The measure before us today will allow this nation to have the most technologically advanced armed services in the world. The funding levels contained in this bill will provide our troops with the superior weapons they need to prosecute and deter war as effectively as possible. However, there is a human face to this equation and that is the focus of my remarks today.

Georgia's Second Congressional District is home to three military installations: Fort Benning, home of the 75th Ranger Regiment; Moody Air Force Base in Valdosta, home of the 347th Fighter Wing; and, the Marine Corps Logistics Base and Materiel Command in Albany. I have seen, first hand, the excellent work that our fighting men and women do, often under very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits if poor pay and benefits, inadequate housing and increased ops tempo are the norm. I support this bill because it addresses both readiness and raises the quality of life for our armed forces.

This measure provides a 3.7-percent increase for military personnel in FY2001. It appropriates \$433 million for the Cooperative

Threat Reduction program to assist in the denuclearization and demilitarization of the states of the Former Soviet Union. This funding goes a long way in helping to disarm those would be rogue states that are currently buying nuclear material on the black market. The bill also funds drug interdiction activities of the U.S. military at \$812 million. And, in an attempt to be proactive to the evolving threat to computer security, the measure appropriates and extra \$150 million for research an development in support of the Defense Department's information systems security program.

Mr. Chairman, it is for these and many other reasons that I gladly support H.R. 4576 today and encourage my colleagues to support this bill.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 4576, the Fiscal Year 2000 Department of Defense Appropriations bill. This bill will provide \$288 billion for defense programs which is sufficient to meet the needs of today's military.

I would like to highlight an important project included in this bill that would provide \$10 million for the Disaster Relief and Emergency Medical Services [DREAMS] program. This is the fourth installment on funding for DREAMS that would help to save lives and reduce health care costs. In 1997, Congress provided \$8 million for DREAMS, in 1999, \$10 million for DREAMS, and in 2000, \$10 million for DREAMS. These federal funds have been leveraged with State of Texas funding, financial support from the National Institutes of Health and the ANA and philanthropic sources.

DREAMS is a joint Army research project with the University of Texas Houston Health Science Center and Texas A&M University System. The DREAMS project will demonstrate in both civilian and military terms how to attend to wounded soldiers from remote locations during emergency situations. The project will fund two broad areas, digital Emergency Medical Services [EMS] and advanced diagnostic and therapeutic technologies.

The EMS program will use emergency helicopters to fly directly to injured persons and treat these individuals after a trauma injury. Using the fiber-optic traffic monitoring system already being used in Houston, the DREAMS project will help helicopters to reach their victims faster. The second part of this EMS program is to collect real-time patient data and relate this information back to trauma physicians to make immediate diagnosis and recommended treatments.

The advanced diagnostic and therapeutic technologies will help to develop techniques to identify chemical and biological threats to victims. In addition, DREAMS is developing mechanisms for the biological decontamination and detoxification of these chemical agents. The City of Houston is an ideal location for these tests because of that large number of petrochemical and industrial facilities located in our area.

The diagnostic methods and therapies program will determine possible applications to treat patients during the "golden hour" following a traumatic injury. These methods will develop new technologies to diagnose inflammation, cancer, and necrosis utilizing infrared catheters. This program is also exploring new treatment to resuscitate victims by increasing blood flow that is common in many trauma patients. This project is also exploring how to

prevent cell death as a result of traumatic injury. The DREAMS project will yield new results and procedures to help patients become stabilized before sending them to trauma centers.

I am also pleased that this legislation includes \$6 billion for the Biology, Education, Screening, Chemoprevention, and Treatment [BESCT] lung cancer proposal at University of Texas MD Anderson Cancer Center in Houston, Texas. This is the second installment on a five-year project to reduce lung cancer and save lives.

The BESCT program would provide comprehensive services for lung cancer patients including smoking cessation, early diagnosis, inhibition of cancer development in active and former smokers, and improved treatment and survival for patients with active lung cancer. This ambitious program is necessary to save lives and reduce health care costs.

Lung cancer is the leading cause of cancer death in the United States today, killing more than 60,000 individuals a year. Research for this disease is not receiving adequate funding in proportion to the number of lung cancer patients who are suffering from this disease.

As you know, the Department of Defense during World War II, Korea, and Vietnam, encouraged smoking among our soldiers. I believe that the federal government should help fund research that will save the lives of these soldiers. The current five-year survival rate of lung cancer is less than 15 percent. Because many lung cancer victims do not usually live long enough to advocate the necessary funding to accelerate progress against this disease, I am pleased that the House Appropriations Committee has acted to fight for them.

I am pleased that Congress has included these vitally important research projects and urge my colleagues to support this measure.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 Department of Defense Appropriations Act. This legislation applies virtually all of the additional \$4 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's appropriations bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the Federal Government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, "Those who love peace prepare for war" is as true today as it ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the Nation's wars when told to do so by the elected representatives of the American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill to allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by \$739 million over last

year's bill; \$4 billion for the Air Force's F-22 Fighter Program; and \$1.8 billion for transforming the Army into a more mobile and technologically advanced force. Another provision of great significance to the nation is \$355 million appropriated for the Crusader program. The Crusader is a fully digitized system that revolutionizes artillery for the 21st century. Crusader has three times the effectiveness of Paladin (the system it will replace), with a 33 percent reduction in manpower for each system. It delivers precision low-cost munitions decisively and with very low chance of collateral damage, in all weather.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill includes \$12.1 billion for Defense Health Program, \$543 more than requested by the President. This legislation has \$280 million to implement healthcare enhancements such as removing barriers to an effective TRICARE system thereby generating significant savings that will be redirected to pay for future benefits, and restoring pharmacy access to all Medicare-eligible military retirees.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow Members of Congress to support the Department of Defense Appropriations Act for Fiscal Year 2001.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4576 and thank Chairman LEWIS, Ranking Member MURTHA, and the Defense Appropriations Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program [SEP] tank is a major component of the Army's heavy forces and will remain so through the year 2020. The committee very wisely is providing \$512 million for the Abrams Upgrade Program. I am also pleased the committee provides \$36 million for the SEP System Enhancement Program and \$36 million for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge [HAB] is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee rightly directs the Army to use \$82 million in fiscal year 2000 funds to procure the Wolverine. An additional \$15 million of unobligated FY00 Research, Development, Test and Evaluation, Army funds appropriated for the Grizzly program is transferred to procure additional Wolverines as well.

I urge all my colleagues to support this vital legislation.

Mr. BARR of Georgia. Mr. Chairman, today, I rise in strong support of the Department of Defense Appropriations Bill for FY 2001.

The Defense Committee's decision to fully fund \$3.96 billion for the production of 10 F-22 production planes, and to provide continued funding for advance procurement and research, development, technology and engineering, places us one major step closer to our goal of seeing the next generation of air superiority fighter into production.

As the next generation air superiority fighter, the F-22 will replace our aging F-15 aircraft which was designed in the early 1970s. Defense experts stress the urgency in maintaining our capability to control the skies through air superiority. Many defense experts agree the F-22 performs a vital—indeed, absolutely essential—role in maintaining air superiority in future conflicts. As witnessed in the recent strikes in Kosovo and the Persian Gulf, air superiority is the only effective way to protect our nation and our interests abroad. Without the complete development of stealth technology and advanced avionics features, we put our soldiers at risk.

The F-22 is America's next generation air superiority fighter, and has been developed to counter any future threats posed by foreign advanced surface-to-air missiles (SAMs). As we witnessed over the skies of Iraq, SAMs and other advanced fire-controlled radars pose a real, tangible threat to U.S. combat air fighters. The only defense against those systems is the F-22 program, which has the ability to operate against multiple targets and use advanced avionics. As foreign countries continue to develop and purchase increasingly advanced air defense systems, our nation must continue advancement of our own fighters to preserve future air superiority.

The goal of the F-22 program is to maintain the dominance of aerodynamic stealth performance and will enable the Department of Defense to continue its air superiority. As the F-22 program continues to exceed every technical and programmatic challenge, the U.S. Air Force continues to give its strong, explicit support to the project's continuation.

From the start, the F-22 has been designed for minimal maintenance and will provide a reliable aircraft which is far superior to any other aircraft today. Compared to the F-15, which requires an average of 23 maintenance personnel, the F-22 will require only 15 personnel, which represents a substantial cost savings when calculated over the 20-to-30 year life of an aircraft. Through the use of advanced technology, several benefits will be gained by developing a cost efficient design strategy, creating substantial savings, and improving operational flexibility throughout the life of this program.

As other foreign countries begin to develop and acquire combat aircraft that will be superior to our current fighters, the F-22 program is the only hope to beat the encroachment of advanced foreign arsenals. Countries such as Russia are developing advanced fighters for their foreign customers such as Syria, China, India, and others. It is certain advanced stealth fighter aircraft produced by other countries in the near future, will fall into the hands of rogue states such as Iraq, Iran and Libya.

The F-15 began service over 25 years ago. When the F-22 becomes operational in FY06,

the F-15 will average nearly 30 years of service. The F-15's flight characteristics are well-known today, making it even more susceptible to the next generation of foreign missiles and fighters.

The F-22 is the only opportunity our nation has to ensure America's military continues to control the sky in the 21st century. There is no other combat aircraft in service today that has similar capacity to successfully operate amid our growing future foreign threats.

I urge you to support this defense initiative that builds our nation's future conflict capability while still maintaining our nation's air superiority. We must continue to guarantee air superiority through the continued support and funding of the F-22 program. There is no other American aircraft that can offer the insurance and protection our soldier's and their families desperately need.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$22,242,457,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for

members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$17,799,297,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$6,818,300,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$18,238,234,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,463,320,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,566,095,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while under-

going reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$440,886,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$980,610,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,719,336,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,635,681,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I, through page 7, line 14, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the

Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$19,386,843,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds made available under this heading, \$6,000,000, to remain available until expended, shall be transferred to "National Park Service—Construction" within 30 days of enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$23,426,830,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,813,091,000.

OPERATION AND MAINTENANCE, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$22,316,797,000 and, in addition, \$50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$500,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$11,803,743,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$32,700,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the amount provided under this heading, \$10,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance, procurement, and research, development, test and evaluation appropriations accounts, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority

provided under this heading is in addition to any other transfer authority provided in this Act: *Provided further*, That of the funds made available under this heading, \$15,000,000 shall be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors.

OPERATION AND MAINTENANCE, ARMY
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,596,418,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$992,646,000.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$145,959,000.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,921,659,000.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$3,263,235,000.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as author-

ized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$3,480,375,000.

OVERSEAS CONTINGENCY OPERATIONS
TRANSFER FUND
(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$4,100,577,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$8,574,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$389,932,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$294,038,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for

the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$376,300,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$23,412,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY
USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$196,499,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$56,900,000, to remain available until September 30, 2002.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance

provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, \$433,400,000, to remain available until September 30, 2003.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks), \$480,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2002, as follows:

Army, \$282,500,000;
Navy, \$70,000,000;
Marine Corps, \$47,000,000;
Air Force, \$70,000,000; and
Defense-Wide, \$10,500,000:

Provided, That notwithstanding any other provision of law, of the funds appropriated under this heading for Defense-Wide activities, the entire amount shall only be available for grants by the Secretary of Defense to local educational authorities which maintain primary and secondary educational facilities located within Department of Defense installations, and which are used primarily by Department of Defense military and civilian dependents, for facility repairs and improvements to such educational facilities: *Provided further*, That such grants to local educational authorities may be made for repairs and improvements to such educational facilities as required to meet classroom size requirements: *Provided further*, That the cumulative amount of any grant or grants to any single local education authority provided pursuant to the provisions under this heading shall not exceed \$1,500,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent the remainder of title II of the bill through page 20, line 10 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes, \$1,547,082,000, to remain available for obligation until September 30, 2003: *Provided*, That of the \$183,371,000 appropriated under this heading for the procurement of UH-60 helicopters, \$78,520,000 shall be available only for the procurement of 8 such aircraft to be provided to the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,240,347,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,634,786,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,227,386,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of

equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,254,564,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,179,564,000, to remain available for obligation until September 30, 2003.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,372,112,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$491,749,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$12,266,919,000, to remain available for obligation until September 30, 2005: *Provided*, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign

facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,433,063,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,229,605,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$10,064,032,000, to remain available for obligation until September 30, 2003.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 28, line 16 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Are there any amendments to title III?

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO: Page 28, line 15, insert "(reduced by \$930,000,000)" after the dollar amount.

Mr. DEFAZIO. Mr. Chairman, this amendment serves two purposes. We have heard and continue to hear a litany of concerns from our men and women serving in the military about their basic needs not being met. We still know some can receive and are eligible for food stamps. I talked earlier about a Marine's dad who had to buy him a waterproof case for his new digital radio as a communications specialist, because the Pentagon could not afford it. We have problems meeting sea duty pay. We have problems in readiness.

This amendment will go to many of those concerns. It is quite modest in its scope, actually, and follows the recommendations of a number of professionals. It says that we should slow down the procurement of a plane that has not yet been successfully tested. We would cut from 10 to six this fiscal year under consideration the procurement of the F-22, a plane which has failed to meet any of the major benchmarks in its testing and advanced purchases from 16 to eight.

Mr. Chairman, this would follow the recommendations of the General Accounting Office, the Pentagon's Director of Operational Tests and Evaluation and, in fact, the committee's own surveys and investigations staff recommendations.

I met this morning with Colonel Riccioni. He was a principal in the development of the F-16, a very decorated fighter pilot. He said in his critique, which was absolutely devastating of the F-22, and perhaps it should be classified like the critiques of Star Wars have recently been by a prominent physicist, his are not classified. He said this plane was designed to be stealthy. It is not stealthy. It is bigger than an F-15. It is visible. It is visible at a longer distance. It is visible from look-down or look-up radar. It has a huge radar signature of its own.

It is not stealthy on an infrared basis, and it fails all of those criteria. It does not have, nor does he believe they can prove, a supersonic cruise capability. It was the idea in the designing to fight deep into the Soviet Union against threats which the Soviet Union is not building.

The avionics do not work. In fact, what he says will happen here is that if we go ahead with procurement of this plane, which will not meet the standards that were set out, that we will jeopardize our future combat capacity because we will produce so few of these planes and replace so many planes with them.

The original plan was for 800 F-22s. Then it was 620. Then it was 460. Then it was 339. Not because of our operational needs. We have always enjoyed numerical air superiority. If we cut down to 339, and I suspect we will end up maybe with 200 the way the prices

are running with this plane if it works, we are going to give up the idea of numerical superiority and bet on this plane which is totally unproven.

Mr. Chairman, I am not even saying we should not build it. I am not saying we should not go forward. I am saying we should slow down until we meet the benchmarks and the tests. Take a billion dollars and take that billion dollars and put it into needs that were requested by the Pentagon that are not met in this bill. That makes sense to me. I think it would make sense to a lot of the troops on the ground.

It may not make sense to some of the brass hats at the top of the Pentagon; and it certainly will not make sense to the contractor who is building this plane, at this point at such an extravagant cost overrun.

So I would suggest strongly that my colleagues, if they support the recommendations of the Pentagon in the areas of recruiting, bonus payments for sailors on sea duty, basic allowance for subsistence, that means get the troops and their families off food stamps once and for all; if we are looking at the O&M request of the Marine Corps, the personnel request of the Marine Corps again for basic allowance; O&M requests for the Air Force for maintenance and base operations, recruiting and retention for the Air Force, basic allowance, get the young men and women in the Air Force off food stamps; get the young men and women in the Army off food stamps and look at O&M defense-wide for cooperative threat reduction and for overseas humanitarian disaster and civic aid. We have an extraordinary list of things we could fund if we just followed the advice of the experts and said do not rush into full production at accelerated production with a plane that has not even yet met its basic test requirements.

That is what we are talking about here. This was a subject of concern last year. The committee, in fact last year in the House, the House bill did not include funding for this plane. They killed it. They went much further than I am going. They killed the plane because of these similar concerns.

I am just saying take and transfer this nearly a billion dollars to these real identified readiness needs of our men and women on the ground. Slow this thing down. Do full testing. And then if it meets those tests, if it operates and can meet the criteria we set out at the beginning, which Colonel Riccioni and others say it will not and cannot do, then go ahead. But if it cannot, then maybe we should think later about canceling it and investing in other projects that are proposed, like the Joint Strike Fighter.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize we could have a lot of people speak about this, but we have debated this at great length in the committee. Last year we cut the money out because we felt the Air Force was going in the wrong direc-

tion. We felt they needed more testing. This year we have taken the cap off the testing. We are insisting they finish the testing. But we do think they are moving in the direction that we originally agreed to.

I would hope we will not hear a lot of debate today so we could move forward with this bill and then just get right to the vote.

But this is an important program. I think the gentleman may have overestimated the numbers. I am not sure we will ever get to the numbers that even he predicts in this airplane. I think it is a sophisticated airplane which deals with one specific program and am not sure, because of its cost, we will get any higher. But I can assure the gentleman we are making sure that this airplane is going to be tested before it flies. And we have been on the Air Force more than the contractor. The contractor has been more cooperative than the Air Force, so the Air Force is the one causing us the problems.

Mr. Chairman, I would hope we could get to a vote very quickly on this amendment and go forward with the bill.

□ 1630

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. MURTHA) who has already stated that we went through this battle last year. We answered the questions that the gentleman from Oregon (Mr. BLUMENAUER) has raised here with respect to the F-22.

But I also want to point out the fact that, in the last two military conflicts that the United States of America has engaged in, we have proven beyond any shadow of a doubt that, when air superiority and air dominance is maintained by the United States, that the loss of life of our brave young men and women who serve in our military forces is minimized and, to a certain extent, is even eliminated altogether.

As we move into the 21st century, we must have the F-22, a full complement of the F-22, in order to continue to maintain air superiority and air dominance. This plane is going to be tested. If we slow down production of it, we are going to increase the cost of this airplane. That is the wrong move to make. Not just from a budgetary perspective, but also from the perspective of trying to ensure that we eliminate or significantly decrease the possible loss of life of our young men and women who are called into combat to protect freedom and integrity of this country around the world.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the amendment.

Mr. Chairman, the cost of this development program has doubled since 1985 to \$24 billion. Only 15 percent of the testing program has been accomplished

since the engineering manufacturing development program began in 1991. The conference agreement last year on the F-22 prohibits a production decision until the so-called Block III software is flight tested in an actual F-22 aircraft. That testing is not even scheduled to occur until the fall of next year at the earliest.

It should be noted that the Air Force has to conduct only a system flight test to meet the congressional requirements and to allow the program to enter initial production.

Mr. DICKS. Mr. Chairman, will the gentleman from Wisconsin yield for a point of clarification?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman said the fall of next year, I believe. I checked with the staff, it is the fall of this year.

Mr. OBEY. I am sorry, the fall of this year. The gentleman from Washington is correct.

Let me simply say, Mr. Chairman, that, as I said in my earlier remarks, one has to understand this amendment in the context of the way the bill is being presented, not just the broad budget context, but what we are doing with respect to other tactical aircraft.

We are expected to move forward on the Joint Strike program at a cost of possibly up to \$200 billion. In addition to that, we have the F-18 and we have got the F-22. As I said earlier in my remarks, there have been three cautionary flags raised that the Congress ought to pay attention to with respect to this program.

First of all, the Pentagon's Director of Operational Testing Evaluation testified before Congress that, and I quote, "basically not enough of the test program has been completed to know whether or not significant development problems remain to be corrected."

Secondly, our committee's own surveys and investigation staff reported to the committee in March that the decision to enter into the F-22 production in December is "premature in light of fatigue and avionics testing, which is yet to be accomplished." It recommended no production funds until the year 2002.

The General Accounting Office recently told the defense authorization and Committee on Appropriations, "we believe low rate initial production should begin at no more than six aircraft and that aircraft quantity should not exceed six to eight aircraft per year until developmental and operational testing and evaluation are complete."

It recommended reducing the fiscal 2001 budget by \$828 million, a reduction of four aircraft. It is pretty clear to me that three independent organizations have indicated there are major problems with this aircraft, and two of them have explicitly recommended that the F-22 production not be funded at the level being proposed in the budget.

I recognize this amendment is not going to pass and I congratulate the subcommittee for trying to take this issue on last year. I guess I do not blame them for backing off after they had gotten bloodied and had their heads knocked against the stone wall.

But the fact is the decision last year to question this production was the correct decision. I wish the Congress would stick to it. I wish the House would stick to it. If we did, in the long-term, we would be doing a favor, both to the defense establishment to this country charged with the responsibility to defend the country and to the taxpayers who are, after all, going to pay for it all.

Mr. DICKS. Mr. Chairman, if the gentleman from Wisconsin (Mr. OBEY) will yield for a personal inquiry, maybe the gentleman would like to join me in advocating bombers as a much more economical way to proceed as these expensive fighters.

Mr. OBEY. Mr. Chairman, I welcome the gentleman's conversion to support B-2 bombers. It is the first time I have ever known he has been for that program.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a couple of the statements that have been made by the proponents of this amendment. First of all, when it was stated that the cost has doubled, when one takes all the research and development money, and one spreads that over 756 airplanes, each of those airplanes cost a certain amount. If one cuts in half the buy of those airplanes to less than 336 today, all that research and development money goes over on a fewer number of airplanes driving up the cost of that airplane.

We took that into account last year. I joined with the committee last year looking, because I was concerned about the cost of the F-22 and the upcoming electronics in it. I would tell the gentleman from Wisconsin (Mr. OBEY) I am not bloody. I stood for what I believed was right and fought for that. No lobbying, nothing swayed me in what I believed.

I will tell the gentleman, if he has any idea what it is like to look at tracers coming across the canopy, if he has any idea what is like to see a sidewinder coming up one's tailpipe, if he has got any idea what it feels like to be coming down in a parachute over enemy territory, then he would support the F-22.

I would tell my colleagues this, why have we not had the funds for the joint strike fighter and the F-18E/F? Because the White House has delayed and delayed and delayed and delayed, and amendments like this have delayed procurement of aircraft knowing that, in the out years, they said, oh, we will give it to you in the out years, but knowing when we come to the out years, we will not have the money to fund all the different systems that we

need to support national security effectively.

It makes me sick to hear, well, we want to take care of the food stamp military personnel. We want to take care of those poor military that are shipped around. But, yet, when it came to Somalia and Haiti, we told you that there would be a cost associated with that. \$200 billion out of the defense budget for 149 deployments.

So we do not have the money for R&D. We do not have the money for procurement. There are unfunded requirements by the military because of the liberal foreign policy that does not give us the amount of money to support aircraft and equipment.

I would tell the gentleman from Oregon (Mr. DEFazio) I flew the F-15 alongside the F-22. The gentleman's information is wrong. It does have supercruise. I could not keep up with it in an F-15. Or General Ryan could not keep up with it in the F-16.

The V_o, which is the stealth capability, gives us the ability to close an enemy fighter and fire before he fires on us because his missiles are better today, his radar is better, and we cannot see through his jammer. The F-22 gives us that capability.

I beg the gentleman, go down and look at the simulator with the actual electronic equipment. In a dog fight, it is also helpful to know where one's wingman is. It is also nice to know who he has locked up so that one can fire efficiently at the enemy and take him out before he takes us out.

The F-22 does that; so does the joint strike fighter. The joint strike fighter is going to use the same technology that is being tested today in the F-22.

The F-22, I am concerned about the cost of the F-22. We need to hold that down so that we can buy in greater numbers that aircraft. Because we need to look at the threat.

Mr. Chairman, if our pilots fly against the SU-27 today, both in the intercept and in the dog fight, our pilots die 90 to 95 percent of the time. But our liberal and socialist friends would tell us the Cold War is over, there is no threat. Our kids are going to die, and it is amendments like this that have stopped our military from surviving and puts us in a situation where we have got 21 ships along pier that cannot be deployed because they are down for maintenance. Our kids are getting worn out, and we are flying 30-year-old equipment.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield to me since he mentioned my name?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I wondered how long it would take the gentleman

from California before he gets to his usual accusation that those who disagree with him are socialists or worse.

I would simply say that the assertion that amendments like this have somehow killed people is absurd. This House has not adopted an amendment to cut back any major defense program in 20 years.

Mr. CUNNINGHAM. Mr. Chairman, I reclaim my time. Two classic examples. The helicopters that we lost in Kosovo, the pilots were not trained. They did not get trained in night goggles. They did not get trained in combat wielded aircraft. Captain O'Grady that was shot down in Bosnia was not even qualified in combat maneuvering, because we did not have the money because of all the 149 deployments that the gentleman supported.

Mr. OBEY. Mr. Chairman, what does that have to do with the F-22? Nothing.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for just a brief period of time to remind all of us that last year the former chairman and ranking member and the gentleman from California (Chairman LEWIS) placed the F-22 under the most scrutiny of any procurement and testing in the defense authorization, in the defense budget, much less anything else.

The reference was made they had hit a stone wall, and I guess that alluded to a lot of political pressure. But the truth of the matter is one who learned a little bit about this process last year, because I was new, and one that does have an interest because the production of this airplane is almost in my district and a lot of its workers live there, I watched the diligence that the former chairman and the ranking member and the chairman placed the airplane, the engineers, and the company, not to mention the military, under to see if it was worth the investment of this Congress. The answer was ultimately yes.

The stone wall was not a stone wall of politics and lobbying, although that component always exists. It was the promise that that aircraft, its design, and its predictable avionics would deliver, which now, in initial testing, are being borne out.

So I would ask all of us to remember that it was a year ago we placed this very program under the most scrutiny of any program in the DoD budget period, and it passed. It passed the scrutiny of two of the most distinguished gentlemen in this House. It passed the scrutiny of those who think America needs to be prepared to defend ourselves and our young men and women in the 21st century.

I rise to oppose the amendment and to thank both these fine gentlemen in the committee for last year allowing that aircraft to pass the test which will deliver for our country in the years ahead.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The F-22 will give us air superiority into the future for at least the next 30 years. I have been around here long enough to know that, yes, in every one of these programs, there are problems that have to be dealt with, whether it is the radar or wing bump or whatever it is. But we go through a development program for that purpose to make those corrections.

Now, the reason air superiority is so important, if one looks at what happened in Iraq and then what happened in Yugoslavia, within a matter of hours, we were able to completely dominate the Earth. Remember the aircraft from Iraq went to Iran. They fled the country because they knew they would all be shot down.

Once we have air superiority and once we can control the surface-to-air missiles and their anti-aircraft guns, then we can bring in, not only our stealthy airplanes like the B-2 and the F-117, which are used to go after those fixed targets, but then we can bring in all of the nonstealthy planes, the F-16s, the F-15s, the F-18s Es and Fs and Cs and Ds, and the B-52 and the B-1s.

□ 1645

But the Enabler is our ability to gain air superiority rapidly; and that saves American lives, saves money, and that is what the F-22 is all about.

I was pleased last year, and I supported our chairman and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), in reviewing this program; but I think we still need to have an unquestioned air superiority fighter for the future. As General Ryan says over and over again, "We do not want a fair fight."

I believe that once we get through the development that this plane will live up to expectations. We are not going to buy as many of them as some people would like to buy, because of affordability reasons; but we will have enough of them to ensure that in the next 30 years we will have unquestioned superiority in this area, which is crucial to winning wars early, decisively, saving money and saving American lives.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee now rise and present the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would not have done this but for the words uttered by the gentleman from California.

Mr. Chairman, the gentleman from California who just spoke attacked those who were supporting this amend-

ment as being "leftists and socialists and the like." I would like to ask him whether he believes that the Pentagon's director of Operational Test and Evaluation, whether he is a leftist or a socialist. I would like to ask him whether he believes the committee's own staff on surveys and investigation are a collection of leftists and socialists. I would ask him if he believes the General Accounting Office is a collection of leftists and socialists.

I would simply point out the gentleman himself, in the subcommittee last year, when we marked up this bill, supported the proposal to slow down the production of this aircraft until some of these questions could be offered and said that what was happening on that day was "a good thing," and I am quoting him directly.

I have a great deal of respect for the service the gentleman has provided this country, in the military and in this institution; but that does not give him a right to question the views or motives of those who disagree with him by calling them leftists or socialists. Every person here on this floor is a good American and we believe we are doing our duty when we have the "temerity" to raise at least a question or two before we spend almost \$290 billion of the taxpayers' money.

The question is not whether we want this country defended or not; the question is whether we want this country defended in the most effective manner. And if we cannot have an honest discussion of that question without calling into question people's patriotism or motives, then that says a whole lot more about the gentleman who made those charges than it says about us.

The CHAIRMAN. Does the gentleman from California (Mr. CUNNINGHAM) rise in opposition to the motion?

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the motion, and I would say that the liberal left is known to fight against national security and defense for greater socialized spending. The gentlemen that support this amendment are members of the Progressive Caucus in which—

Mr. OBEY. I am not.

Mr. CUNNINGHAM. Let me finish. The author of the amendment is.

Mr. OBEY. The statement was "the gentlemen who support."

Mr. CUNNINGHAM. I stand corrected. And in that they are listed under the Democrat Socialists of America that want to cut defense by 50 percent.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will not at this moment.

Mr. SANDERS. The gentleman is making a factual inaccuracy.

Mr. DEFAZIO. I think we are going to get into a point of personal privilege very soon if the gentleman continues with his bizarre and inaccurate accusations because he cannot operate a computer properly.

The CHAIRMAN. The gentleman will suspend. The gentleman from Cali-

fornia (Mr. CUNNINGHAM) controls the time.

Mr. CUNNINGHAM. On the computer program the Democrat Socialists of America have their own Web page, and on that Web page are listed the Progressive Caucus. That is a fact. And I have stated that the Democrat Socialists of America—

Mr. DEFAZIO. Is the gentleman familiar with the first amendment? Anybody can list anything. I am going to be asking for a point of personal privilege if the gentleman continues to insult me in the most inaccurate manner and make inaccurate statements.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) controls the time.

Mr. DEFAZIO. He does not have the time to make inaccurate statements, and I will be asking to have his words taken down if he continues in this vein.

Mr. CUNNINGHAM. The words that I state are factual. The Progressive Caucus is listed under the Democrat Socialists of America, their Web page.

Mr. DEFAZIO. The gentleman is inaccurate. They are listed as a reference by another group. Any group, I am sure that the Nazis of America can list people in this House if they want. Anybody can make such lists. It has no affiliation. If the gentleman is alleging an affiliation, he is absolutely wrong, inaccurate.

Mr. CUNNINGHAM. Mr. Chairman, it is my time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) must seek time later in the debate.

Mr. CUNNINGHAM. Some people cannot stand for the truth, and they would like to shout it down.

Mr. DEFAZIO. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

□ 1700

The CHAIRMAN. Does the gentleman from Oregon (Mr. DEFAZIO) insist on his demand?

Mr. DEFAZIO. Mr. Chairman, I have seen the transcript, which uses the word "some" people.

Obviously, I feel strongly the gentleman from California (Mr. CUNNINGHAM) was directly referencing another Member of the House, me. Perhaps he was not.

If he is not, then I will remove the objection at this point in time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) withdraws his demand.

The gentleman from California (Mr. CUNNINGHAM) is recognized.

Mr. CUNNINGHAM. Mr. Chairman, it is well known that people have a right to either support national security or they do not. That does not make them a socialist.

A difference of opinion does not make them categorized by a political spectrum. But over a period of time, those that oppose national security, in my opinion, have hurt the ability of our

troops to fight and wage a conflict that our President and this Nation offers.

This particular amendment does not make one a socialist. This particular amendment does not mean that one wants to hurt defense. But over a period of time, if historically a person opposes the advancement of defense, that is their right. But I have the right, also, to disagree with that. And in this case, I strongly disagree.

It was my own self that opposed the F-22 even last year. If the gentleman would say that because I opposed the amendment last year I was a socialist, I would agree, too. That is not the case. But it is the case that I would make that our troops are hurting. They have been exposed to 149 deployments. Over \$200 billion has come out of the defense bill. The White House has cut defense in the past. And all of these accumulated have caused a lack of training, older machines, poor retention, and the things that we are trying to address in this bill. And at the same time, there is a very definite threat out there.

Those were the points I was attempting to make.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) withdraw the preferential motion?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is sort of a contradictory vein here raised by the previous gentleman. He expresses concern about readiness, training, basic tools, and things that our men and women in uniform need.

In fact, this amendment would follow the recommendations of the Government Accounting Office, the Pentagon, the Investigations Committee of the Armed Services, and slow down procurement of a plane that has yet to meet any significant portion of its testing benchmarks, the same concerns expressed last year. And the GAO says, in fact, things have gotten dramatically worse since December of last year, the concerns raised by the committee. That is the GAO saying that. That is not me. Things have gotten dramatically worse.

I am saying it would be prudent before we begin to purchase for production planes that have not yet been proven, planes that are going to cost nearly \$200 million a copy, when, as the gentleman says, and I agree with him, we are not meeting the basic needs of our troops, whether it be in the Air Force, which he is particularly concerned with, or the Navy, or the Army, or the Marines, like the young man whose father I met who was issued a garbage bag as a waterproof cover for

his \$12,000 new super-duper digital radio.

I think he should have the digital radio. We need encrypted communications in the field so they would not have to use cell phones like they have in the last couple of conflicts. That is great. But the Pentagon cannot find the wherewithal to get a waterproof cover for his radio and his dad has to go buy him one at G.I. Joe's. There is something wrong.

There is something wrong when Hal the Computer at the Pentagon is ordering parts that are in a 100-year supply for wartime and it is ordering more. It is ordering parts for weapons that have been retired at outrageous prices. That steals from the men and women in the field and their basic needs, and it steals from every American and all their needs.

The management is broken. That is the statement of the chairman of the Committee on the Budget on that side of the aisle, that they cannot find things, like the \$960 million that they mistakenly sent to contractors, which they voluntarily sent back. I think that is wonderful. But we do not know how much money was mistakenly sent to contractors who did not send it back. And we have accounts still of outrageously overpriced items. That steals from the men and women in the field.

And to say the response is more, more, more, as opposed to better management, is a mistake. And that is the position I have consistently taken since I have come to this House of Representatives. I want the strongest, most efficient defense this country can buy so we do not steal from the men and women in the field and we do not steal from all the other needs in this country and more and more shoveled after bad management in an attempt not to punish the troops in the field who are being punished, as the gentleman himself pointed out, because they are not getting the training they need which we could fulfill if this amendment passed because we would transfer a billion dollars from a premature acquisition of a weapon that is not yet proven which has significant problems according to a number of very highly reputed sources.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BARR of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Chairman, this bill and its provisions for funding of the next phase of the F-22 development is supported by the Department of Defense, by the House Committee on Armed Services, the House Committee on Appropriations, and by the distinguished membership of the Subcommittee on Defense of the House Committee on Appropriations.

This amendment to cut the spending for the F-22 program is opposed by the Department of Defense, by the House

Committee on Armed Services, by the House Committee on Appropriations, and the subcommittee chaired by the distinguished gentleman from California.

That fact should tell us something; and what it tells us is my position, as well: Oppose this amendment, which is a gutting amendment.

Mr. Chairman, equipment, no matter how good, does not guarantee victory on the battlefield. But bad equipment, no matter how competent the training of the individuals who use it, no matter how highly motivated is the motivation of those who use it, will guarantee defeat.

The F-22 has already proved itself, even in this stage of development, as the most superb fighter ever conceived by the mind of man. The technology that has already been proven, even in these early stages of its development, are utterly awesome.

We need to show our fighting men and women and we need to show the rest of the world that America remains committed to providing the world cutting edge technology. That cutting edge technology, which when combined with the superb training and the high motivation of our men and women, has always, and will with the F-22, guarantee air superiority and, therefore, victory and minimize losses on the field.

Is the program perfect? Probably not. Are there problems? Obviously there are. But the scrutiny, as my colleagues from Georgia have already indicated, under which this particular program has been placed, and rightfully so, by this Congress and by the administration are handling those problems in a straightforward, efficient manner. Every one of them has been overcome. I am confident that every problem that arises in the future will be overcome.

Is this program expensive? Yes, it is. Is any technological advance expensive? Yes, it is. Is that a reason not to move forward? No, it is not.

I urge my colleagues to strongly oppose this gutting amendment, to move forward with this piece of legislation with the funding for the next phase of the development of the F-22 aircraft. Our fighting men and women need it. Our country needs it. The world needs it. And they are watching.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for offering this amendment. I think what the issue that we are debating about is priorities.

I believe that every Member in the House wants to see the United States have a very strong national defense. But we want to make sure that that national defense is cost effective, because there are other needs in this country.

No Member of the Congress ever wants to see a service person killed in action. And we want to protect them

the best way that we can. But similarly, I would hope that no Member of the Congress wants to see an elderly person die because they cannot afford prescription drugs, wants to see a child end up in jail rather than college because that child is not getting adequate elementary education, wants to see an American veteran sleep out on the street because the VA is underfunded, wants to see a veteran of World War II not get the health care they need in a VA hospital. I do not think any Member wants to see that happen.

But we have to make choices. And some of us say, enough is enough. When we talk about increasing military spending by \$22 billion and we talk about greatly outspending all of our enemies combined and then we add NATO to it and another \$200 billion, how much do we need?

We have middle class families in this country who cannot afford to send their kids to college. Should we not be addressing that? We are talking about not having enough money for Medicare. Several years ago this institution, against my vote, cut Medicare by \$200 billion; and the result is massive dislocation in our hospitals, our nursing homes, and in our home health care agencies.

Those are the choices that we have to make. Talk about those people. Do my colleagues want to see elderly people not get the health care that they need? That is part of this equation. And this is serious discussion.

We cannot have it all, not unless we balloon the deficit and go back to where we were. So I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for raising serious questions about how we spend our money in the military.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

(Ms. GRANGER asked and was given permission to revise and extend her remarks.)

Ms. GRANGER. Mr. Chairman, I rise today in opposition to the DeFazio amendment.

The F-22 is essential to providing U.S. air superiority in future conflicts. Testing and development is ongoing, and the program continues to meet or exceed design goals for this stage of its development.

Since World War II, not one of our U.S. land forces has been killed by an enemy tactical fighter. And as our recent history clearly demonstrates, U.S. and NATO policy places an ever greater reliance on U.S. air superiority as a means to reduce casualties and project U.S. power.

Unfortunately, I respectfully submit that the information that my colleagues are being provided by the opposition is inaccurate and misleading. Here are the facts:

F-22 flight testing is proceeding extremely well and avionics development is well ahead of schedule, a first for a major aircraft development program.

□ 1715

The F-22 is technically sound, and the contractor is controlling costs and remaining under the congressionally mandated cost cap.

It has been said the F-22 will cost three times as much as an F-15. This is incorrect. Adjusted for fiscal year 2000 dollars, the flyaway cost of an F-22 is \$83.6 million. An F-15 is approximately \$70 million. Approaching the end of the production run, an F-22 will cost only \$61 million. No fighter program in history will have flown as many flight test hours by the time the decision is made to proceed to low-rate production. This is the slowest ramp-up rate in the history of tactical aviation. No fighter in aviation history will have produced fewer fighters in low-rate initial production. The fact is reducing these production numbers will cause massive inefficiencies, will distress small second- and third-tier suppliers and will cause a breach in the congressionally mandated production cost cap, having little impact on the reduction of any technical risks.

I urge my colleagues to oppose the DeFazio amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess much of the world knows that last year our subcommittee went about what many thought to be impossible, that is, we came together in a forum that was entirely nonpartisan, beginning to attempt to address the question of future tactical fighter capability for the country. At question was the reality that we had three aircraft lines moving forward in terms of research and development. We had potential production costs that were almost endless. Yet our objective out there by 2020 and 2050 was to make sure that America had the best possible tactical aircraft available for our men and women who defend freedom in the world.

As we raised this question about the F-22, our point was to say this appears to be an aircraft that can meet our needs in the decades ahead. But, indeed, if we commit to that line before we know that it really works, we could commit ourselves to a procurement line that is horrendously expensive; and we could find ourselves on a pathway not similar to that which was the B-2 not so long ago.

So the committee dared to ask, should we insist upon testing, actual flight testing of this aircraft before we went forward with that long-term procurement? The committee made some very difficult choices and began a debate in the Pentagon that was a very, very healthy debate. As of this moment, the Congress in this bill has provided for the advance procurement funding that was our agreement last year. The gentleman from Pennsylvania (Mr. MURTHA) and I agreed in the process that if the testing that we required, that pattern was followed, that we in turn would commit to the fund-

ing of 10 production aircraft. That agreement that we are going forward with here today is a reflection of both, I think I can speak for the gentleman from Pennsylvania (Mr. MURTHA) and myself, that we are keeping our word in terms of that commitment.

Let me assure my colleagues that under our bill, none of the funds provided for the 10 aircraft in fiscal year 2001 may be obligated until these tough testing requirements are fully satisfied. It is absolutely necessary that we follow this pathway because if we are going to make the expenditure to fully buy out this aircraft as it is now planned, it is a very, very big expenditure indeed. With that, let me suggest as of this moment, the F-22 is doing very, very well; but it has some very tough testing ahead of it. We look to that with great interest and will continue to ask the kinds of professional questions that is our oversight responsibility.

Mr. STEARNS. Mr. Chairman, I rise in opposition to this amendment.

American air superiority has reigned for over 40 years allowing our ground forces to conduct operations unmolested by enemy air attacks. To continue that protection, the United States needs a next-generation fighter to maintain our technological edge in combat. Air dominance does not mean we have more fighters than the enemy. It means, we have the fighters, the training, and the technology to overcome any hostile threat.

Russian built Mig 29s and Su 27s can provide the enemy rough parity in the air, and in some instances, may be able to outperform current U.S. fighters. In addition, our fighters will face increasingly advanced and lethal air defense systems.

In fact, Mr. Chairman, the cost of losing our air superiority in the future will vastly outweigh the cost of producing the aircraft to maintain it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 514, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,893,529,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$638,808,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$230,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$7,778,997,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,303,136,000, to remain available for obligation until September 30, 2003.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Page 31, line 7, insert after the dollar amount the following: "(reduced by \$74,530,000)".

Page 35, lines 10 and 11, insert after each dollar amount the following: "(increased by \$29,000,000)".

Mr. TIERNEY. Mr. Chairman, I seek to amend the bill by removing funding for procurement of the National Missile Defense and increasing funding for the military's TRICARE senior pharmacy program, prescription drugs for senior retirees. The Department indi-

cates the program is seriously underfunded despite Congress' expressed desire to fund it. This is not the time for us to be spending money on actual procurement. Already we have substantial appropriations for research and development of NMD. This amendment would not affect those funds. Research and development would continue.

But to start down the path of spending on procurement is premature and inappropriate. Any decision to embark on such a plan should only come after serious, informed national debate about the effect of such a decision on a multiple of important national interests. Foremost should be a determination if we really desire to alter our historic reliance first on the theory of mutually assured destruction now, coupled with serious and somewhat successful efforts at nuclear nonproliferation. Are we fully prepared to face the likely consequences of that decision without first considering its wisdom?

Here are some of the other considerations that should be fully deliberated, debated, and determined before we leave the R&D phase and start procurement: Are we overreacting to the threat that has been identified? Have we adequately considered that the costs and development together with the United States withdrawal from the ABM treaty might be more dangerous than any potential rogue state threat?

Our largest nuclear arsenal threat is in Russia which fears that the National Missile Defense is a precursor to a larger system directed at them. Withdrawal from the ABM would essentially end the strategic arms reduction process which ought to be our real goal. Russia would feel forced to design its force to assure penetration of future National Missile Defense by retaining its MIRV land-based ICBMs, already banned under START II. China could be expected to accelerate its strategic modernization program, since even the first phase limited NMD could defend against Chinese missiles and survive a preemptive strike. If China accelerated, what would we expect India and then Pakistan to do? Acting so precipitously to violate the ABM or to lead to withdrawal from it would be a serious blow to United States credibility as the leader in efforts to control nuclear weapons and to strengthen the nuclear nonproliferation regime.

Our allies and our friends as well as our potential allies and friends see NMD as unnecessary and provocative. We should proceed only with caution. Have we fully analyzed and accepted the cost of building the National Missile Defense? The first phase is estimated to cost \$20 to \$30 billion. All three phases in the current plan will probably cost two times that much. History shows that far less demanding high technology systems have gone well beyond original predictions, so we can expect the numbers to double. Commencing procurement before we have a true demonstration of readiness will encourage and whet the appetite of

the true NMD believers, and they will press for a more comprehensive system a la Star Wars, costing some \$100 to \$200 billion.

Have we truly satisfied ourselves that the proposed system is sufficiently analyzed and demonstrated to be ready? Is it unworkable? Before turning the arms policy of this country inside out, this topic warrants a discussion about whether the system will actually work and whether or not it is now at a stage where there is reasonable assurance that it will, in fact, work. The development and testing of NMD are simply not mature enough for the United States to make a confident deployment decision this year. We should not be directing our resources for procurement until that level of confidence is obtained. The key problem will be to get the defense to work against an enemy who is trying to foil the system, and any attacker can do so with technology much simpler than that needed for the defense system itself.

We have all seen the papers from experts clearly depicting at least three of the many countermeasures that could defeat any such system. The Pentagon has divided the missile problem into two parts, getting the system to work without realistic countermeasures and getting the system to work with realistic countermeasures. It is our job to insist that we not commit procurement funds year after year until we are technically ready to meet both parts of that equation. This summer's tests are not the answer. They lack realistic countermeasures. Starting to commit funds for procurement now is, as one expert says, like deciding to build a bridge to the Moon. Instead of assessing feasibility of the full project before moving forward, we are deciding instead to start building the on-ramps because that is the part we actually know how to do.

Air Force Lieutenant General Ron Kadish, commander of the Pentagon's Ballistic Missile Defense Organization admits the lack of operational tests for the complex system of radars, interceptor missiles, and high-speed computers is anomalous for the Defense Department.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. TIERNEY) has expired.

(By unanimous consent, Mr. TIERNEY was allowed to proceed for 1 additional minute.)

Mr. TIERNEY. He said that it would be sometime in the 2004 time frame before all elements of the missile defense system could be tested together and then we can make a decision on whether to fully put it on full alert. He said that we are going to be working on simulations and hypothetical data.

So when do we begin to learn? As Ernest Fitzgerald, Air Force financial analyst used to tell us, there are only two phases of a weapons program: too early to tell and too late to stop.

Mr. Chairman, this is the time for us to stop on the procurement and proceed with the R&D. We have other needs. One of those is the TRICARE senior pharmacy program while the R&D continues.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. As the gentleman knows, this is long, long lead money. This is money the President requested. The President will make a decision this fall. I predict his decision will probably be to put it off until the next President. But the point is this is not the time to cut out that money. If the President makes a decision, whichever way the test goes we will have ample opportunity when we are in conference to eliminate this money. But this is money that has to be spent early on in order to continue the program, in order to allow the orderly decision by the President this fall in order to decide one way or the other. The money, though, will not be spent until sometime way into the end of next year. This is premature to make this cut. I oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Tierney amendment. I think it is a wise amendment because the idea of limiting money for procurement on a system that we already have preliminary information about cannot possibly work is a service to the taxpayers, and I certainly want to support such an amendment.

There are many who say right now in the scientific community that the system simply cannot work, that it is a waste of taxpayers' dollars. Now, let us say that there is a warhead coming in from this system. Right now as it is being developed, and that as it is coming in, the missile is launched to intercept it, and the way we hope it works is that, in an ideal world, the missile touches the warhead and destroys it. That is what this is all about. However, what has actually happened according to the New York Times, a test was taken and the warhead simulation goes up, the missile intercept goes at it; but what happens is it actually missed the warhead and hits a decoy. Now, if it hits a decoy, what happens to the warhead? The warhead continues on towards its target and good-bye whatever city it is headed towards.

The problem according to the technology that is being discussed right now, which is why the Tierney amendment on procurement is so good, is that the technology does not exist to tell the difference between a warhead or a decoy. So the missiles will go up, and the chances are they are not going to do the job of intercepting.

Now, there is a further complication to this and that is that on the one time that a test was said to be successful, there are creditable reports which again have been reported publicly by the New York Times which suggest that so-called successful test actually was achieved through refiguring the test results and in effect jimmying the test results, tricking them up, if you

will, fraudulently putting the test results together and then passing that off as a successful test. That, by the way, has been communicated to the White House.

□ 1730

We ought to be concerned about whether or not a system works or whether it can work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague, the gentleman from Ohio (Mr. KUCINICH), for yielding. I think, as the gentleman knows, it is just possible that reporters even of an esteemed newspaper like the New York Times do not have access to all of the material that might be available that is pertinent to this discussion. I think the gentleman further knows that every Member of the House does have the opportunity to go to the intelligence room, to read the material that is there, that is a clear evaluation of that which has been suggested by a number of sources, some of which are very, very poorly developed sources.

I would urge my colleague to take advantage of both your responsibility, but also your opportunity to go to the intelligence room and read that material for literally the protection of America's involvement, and so I would appreciate my colleague considering that.

Mr. KUCINICH. Mr. Chairman, I reclaim my time and I respect the gentleman's suggestions. As a matter of fact, I have been following this for 15 years. And the United States taxpayers have paid \$60 billion over that 15 years, and we do not have a system that works.

Now, think about that. Mr. and Mrs. American Taxpayer has paid over \$60 billion. Here, it is warheads up, missile comes up, shoo, \$60 billion. How far can this keep going before it becomes a farce? I think we are already at that point. That is why I support the amendment of the gentleman from Massachusetts (Mr. TIERNEY).

Mr. Chairman, I followed this for 15 years. This is not Buck Rogers, folks. This is real tax dollars going for a system that does not work, and now there is claims of fraud on the only test that was said to have worked. I think that the gentleman from Massachusetts (Mr. TIERNEY) raises a good point about cutting procurement. I think that the issue of destabilization of our relations with China and Russia ought to be of concern. I think that we could conclude that national security is being diminished here; that it would diminish global stability; that it is technologically unproven; that the threat is exaggerated; and that it would undermine arms agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word and hopefully the program.

Mr. Chairman, I, like many Members here, have become a student of the

eminent gentleman from Pennsylvania, (Mr. MURTHA), the ranking Democrat and once a future chairman I hope of this subcommittee; and he always does a wonderful job. And I am particularly impressed because he has managed to classify all amendments that would cut defense spending into two categories: some are premature and others come too late.

The gentleman from Pennsylvania (Mr. MURTHA) has in my time here successfully managed to consign every amendment to either too soon or too late. We never quite hit the moment. Indeed, if there is anything less likely than that ballistic missile system that is going to hit a missile, it is that it will hit the right time, according to the gentleman from Pennsylvania (Mr. MURTHA.)

I do not think either is very likely. They could not comment that failure in both cases is very expensive. If we do not meet the gentleman's timetable, there goes a few billion. If we do not hit the missile, there goes a few more billion, sometimes in the same billion.

Now one of the arguments for not adopting this amendment to move the spending is that the money it seeks to spend will not be spent. The fact that money will not be spent until very late in the year and maybe never because a new President will come in and make a decision, it is hardly a reason to do it.

We have paid a lot of lip service to TRICARE. Indeed, any veteran who has lip problems is probably in great shape, any Member of the military, because we have done a lot for the lip area; but we have not done a lot for some of the other health areas. Previously, I did not get a chance to respond, the gentleman from Indiana said, well, you know, we are under a tough situation now, because the bear, the Soviet Union, has been replaced by the vipers. Well, I challenge that history.

If we listen to that statement, there is an assertion that we used to have the Soviet Union, and then when it disappeared, a new threat came up, North Korea, Libya, Iran, Iraq. It is not my impression that any of those countries sprang into being in 1991.

We used to have the bear and the vipers, to use that metaphor. Now we know longer have the bear; we have the vipers. And as I look at this, I think the business of many of my colleagues in many of the defense spending a very profitable business has had their vision clouded. They cannot adjust to the fact that the Cold War is over; and the fact is that, yes, there are countries out there run by people who are unstable, who are evil, who wish us harm; but their capacity to do us harm is much less.

Now, let us take the situation which we are told we confront here that North Korea might decide to launch a missile against us. My own view is that the people who run North Korea are immoral, but not totally suicidal; for any nation as weakly armed as any of the vipers to attack the United States

consciously is to expect total devastation.

We are not talking here about mutually assured destruction; that was the U.S. and the Soviet Union. We are talking now about very poor countries, none of which could do more than provoke great retaliation against the United States.

I want us to have the capacity to continue to deter that, but spending ultimately hundreds of billions of dollars on a technologically very unlikely scheme to try to prevent North Korea from attacking America when there are a number of other ways in which we can prevent North Korea from attacking America is a mistake.

We are told the next President is going to decide it. Let us then deal with it at that point. But I will tell my colleagues what will help because premature and too late will come forward. Now, we will be told, as we have been, that it is premature to strike the money. By the time that the next President gets around to it, we will be told it is too late, because we will have already spent the money and after all you do not want to spend the money for no good purpose, unless you are in the Pentagon, which you will do occasionally.

We have a tight budget. We have unmet needs in this country. Let's say this, I may differ from some of my colleagues, if someone wanted to give me this ballistic missile defense system for free, I would accept it. The Chinese would not like it, some others will not like it, but I will accept it. Paying, however, tens of billions of dollars at a time when we are denying ourselves so many important necessary programs domestically makes no sense. It makes no sense, in particular, to begin to commit now to a vast amount of money to deter North Korea from attacking the United States; that is what we are talking about.

We are talking about deterring North Korea from attacking the United States. I believe we have far superior, more cost-effective methods of preventing North Korea from attacking the United States. Committing ourselves to this ballistic missile defense system, and that is what we will be doing, the rhetoric now will be this is very tentative, but tentative will become a decision already made when we attach it later.

By the way, it is only when we are dealing with the defense budget that we can talk about spending a few hundred million or a couple of billion tentatively. Tentativeness of the Pentagon is, of course, the entire budget of many important programs.

I commend my colleague, the gentleman from Massachusetts (Mr. TIERNEY). It is a very thoughtful amendment. My colleagues say we are not getting really ready to make a decision; let us put it into health care where we need it, and let us once try to hit the mean between premature and too late.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, but I do want to say to the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Massachusetts (Mr. TIERNEY) that I think this is a much closer call on the viability of this program.

General Kadish, who is the person who runs this office, says very clearly that this is a high-risk proposition. And we have not done enough testing yet to really make a deployment decision.

The gentleman from South Carolina (Mr. SPRATT) and I have been looking into this in great detail. And, frankly, I am a bit concerned about the time schedule here for a decision. Apparently, we are going to have an additional test sometime this summer; and after that, the President in August is going to make a decision about whether we go forward with deployment, or as the gentleman from Pennsylvania (Mr. MURTHA) has suggested, he may decide that we do not have enough information and that the criteria that was laid out last year in the bill that talks about costs, risk and what this means to all of our allies and what does it mean to the Russians.

I mean, there is a real question here, I believe, about, you know, how much this is going to add to our defense, and whether it is going to set off a chain reaction with the Chinese wanting to increase their weapons, then India, Pakistan. This has got tremendous ramifications that need to be considered.

Frankly, the President was trying to work out an agreement with Mr. Putin in his recent trip to the Soviet Union, and he was unsuccessful in getting a limited amendment to the ABM agreement so that we could do our hundred interceptors, but not abrogate the treaty. Now, the problem is we have got money in the military construction bill to start on the X band radar site in Alaska.

In order to start, if we are going to abrogate the treaty or whatever we are going to do with the treaty, we have to notify the Russians in November of this year that we are going to do something that goes outside the agreement. Now, some people have suggested maybe there is a way to finesse that, and that really starting this construction is not really an abrogation, but this gets into very legalistic determinations.

So I think the thing to do here is that we should make a point, all of us, with this administration, just as we said on the F-22, Mr. Chairman, that we need more testing. We need to look at the question of can this thing handle the decoys and can it handle these other threats that are presented.

I must say, I have always been a strong believer in our triad, our strategic deterrent; and although I am rarely persuaded by the gentleman from Massachusetts (Mr. FRANK) on

these matters, I do believe there is a strong case that anybody would be acting suicidally and insanely to try to launch one or two weapons at the United States.

I do believe my own judgment is deterrence will continue to work for a reasonable period of time into the future. It is going to take us at least 5 years before we have this system anyway, so let us do it right. Let us get the testing; let us make sure we have got this thing done. We have already spent \$60 billion. We are going to spend a lot more; probably we are going to do this. So let us take the time to do it right.

I am still going to stay with the committee on this particular amendment, but I did want to say this today because I think the gentleman has a very thoughtful amendment and has approached this in a very constructive way.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, first of all, I want to thank the gentleman for his comments, and I thank the gentleman for all time that we spent discussing this and expressing his views. The concern I have, obviously, is the fact that we seem once again when it comes to a military procurement to be spending the money to start building something before all of the appropriate testing is done and before we know that we are realistically going to be able to perform the act.

I think too often we have had insufficient and unrealistic testing, and as the GAO has said, along with overstated performance claims and understated cost reports. And I think this procurement since it is not anticipated as the gentleman from Pennsylvania (Mr. MURTHA) said to be really spent this fiscal year or at least not until the very end of it, why not take this opportunity to not start down this path where we are putting the cart before the horse, put the money where it is really needed in the TRICARE, where we know that is an expense we are going to have, and allow the research and development to get us to that point, if it ever does, where we can say that now both ends, both the idea of getting the missile up to work without deception and one that works with deception in place, that would be the time to move forward. Otherwise, I think we are recreating a scenario that we saw with Star Wars since 1984, it was mentioned, all this time later, \$50 billion-plus later, we find ourselves still without anything tangible for it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I do agree with the gentleman from Massachusetts (Mr. TIERNEY) that this is a high-risk venture. Even the proponents of it recognize that, but I think we need to keep moving this thing. I think what we need to see does the next test work and can the President do anything diplomatically. If not, I hope, frankly,

that he pushes this off until the next Presidency. I think it would be much better for the next President to make this decision.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, is it correct that there are no plans to test the capability of this system to deal with decoys even scheduled until the year 2005, as has been reported in the press?

Mr. DICKS. No, no, they have tested it already against decoys. They used a balloon. I hope this is not classified. Is this classified?

MR. LEWIS of California. Be careful.

Mr. DICKS. Okay. I cannot get into any classified information.

Mr. DOGGETT. I do not want to get into anything classified.

Mr. DICKS. I strike those words. We have tested it against some decoys.

Mr. DOGGETT. Not the major tests?

Mr. DICKS. It is not against a high-up?

Mr. DOGGETT. The major test is scheduled for 2005 according to published reports in the press within the last month.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I suggest to the gentleman from Washington (Mr. DICKS) that we not get into this.

□ 1745

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I do not understand how anybody can object to meeting a real need with health care and not putting up money for beginning procurement of a system that is not yet known, it is not a known quantity; it has not had, as far as we know, any successful test.

Now, it is true they claim to have had a successful test, but an employee of the contractor filed suit saying, in fact, they had faked the tests and the data. An expert on this sort of missile technology, Ted Postal at MIT, obtained the data, analyzed it, and wrote a letter and said, in fact, she was right, they had faked up the data, it did not work, it could not discriminate among decoys. This is all in the public realm. The first response of the Pentagon and the White House was that Mr. Postal was absolutely wrong, he was working with the wrong data set, his analysis was bad, and they would prove him wrong. But before they proved him wrong, they classified his critique and they now are not trying to prove him wrong, so I guess his critique was right.

In fact, the data was faked out by the contractor and, in fact, the system does not work; after \$60 billion, it still does not work, a couple more billion this year, and now let us move to procurement. Let us vitiate the only viable arms control we have ever had in terms of the agreements we have reached with the former Soviet Union and vitiate the ABM Treaty and start a new arms race with China and what is left of the Soviet Union, Russia and whoever else can produce these things.

Mr. Chairman, this is madness. This is madness. It is almost as mad as the thought that the dictator of North Korea is going to build a missile, if he could, that could possibly wobble its way over to the United States and hit us with one missile, and then if he had that thing, he would shoot it, which would be detected 30 seconds after launch, and the retaliation would turn his country into glass. I do not think he is going to shoot that missile.

There are other ways that a dictator or terrorist can threaten our security, and it is not with a missile that can be detected. And, if they were not going to use a missile, then it would be someone who is a little more advanced who would shoot underneath the system. It cannot work against cruise missiles which can carry nuclear warheads; it cannot work against depressed submarine-launched missiles, depressed trajectory missiles. Everyone admits that. No one is saying they are trying to design a system to do that, so we already know. They can use countermeasures, they can bring in ICBMs. If they do not want to use ICBMs, they can use a much cheaper cruise missile, they can use a much cheaper submarine missile, they can go under it, but I do not even think that is a real threat.

Mr. Chairman, I am on the Subcommittee on Coast Guard and Maritime Transportation. We have a real threat. Today, anybody can steam a tramp steamer under a bizarre foreign flag. Libya or some other country that does not exist that has a phoney registry, into any port in this Nation without being checked. Well, that might present a real threat to the security of this country, and I am not going to go on very much more about that, but that is something we ought to be thinking about.

We are not dealing with the real threats here. We are dealing with a program that was cynically designed to put expenditures in three-quarters of the congressional districts of this country to provide some profits to some defense contractors and some employment to some scientists that cannot ever successfully defend our Nation.

Mr. Chairman, it is time to stop wasting the money. If we want to go ahead and continue to waste the money on testing, do not lock us into procurement, do not vitiate the ABM Treaty, and do not lock us into procurement on a system that has yet to have a successful, honest test.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to congratulate the distinguished chairman and ranking member for their leadership on this issue and my colleagues on both sides of the aisle for working in a bipartisan manner.

Let us get some facts straight, first of all. The gentleman raised a point about the need to deal with weapons of mass destruction. Let us make the case and let us put the facts where they are, if the gentleman will listen to me. We are spending \$11 billion this year, \$11 billion on weapons of mass destruction and the consequence management to deal with those threats, \$11 billion. To say that we are not doing anything is poppy cock.

The second point the gentleman said is that there is no need to defend against missiles. Well, let us face the facts, I say to my colleagues. The weapon of choice today is a missile. When Saddam Hussein wanted to reign terror on the Jewish folks in Israel, he did not choose a truck bomb, he did not choose to put a ship up in the harbor, he fired the Scud missiles that he got from North Korea and Russia into Israel; and we could not defend against it. When those two dozen young Americans, half of them from my friend's district came back home in body bags 9 years ago because they were killed in the largest loss of life in the last 10 years, it was not because of a truck bomb, it was because Saddam Hussein chose to try to neutralize America by firing a Scud missile that we could not defend against, into a barracks, while young men and women from our friend's district, half of them, from Greensburg, Pennsylvania, were massacred.

Mr. Chairman, this amendment is a disastrous amendment. We cannot deploy a missile defense system next year. That is all rhetoric, and all of our colleagues who attended the 150 classified briefings and closed hearings know that over the past 6 years. We cannot deploy under the President's planning system until 2005.

But, Mr. Chairman, there are certain things we have to do now to be ready to make that decision. The money that is in this bill for national missile defense is for radar, it is for preparing a site, it is for integration of systems. We cannot wait until the very end to do those things.

So if we pass this amendment, we kill the program. Let us be honest about it. We all want successful intercepts. My colleague said we have not had some successful intercepts. Well, let me just again correct the RECORD and let me point out what, in fact, we have done since 1999 in March. We have had six successful intercepts. We had, using hit-to-kill technology, one with our NND program, two with THAAD, our Army program, and three with PAC 3. In fact, the Israelis have had similar successful intercepts with the ARROW program.

Mr. Chairman, we are making progress. Have we solved all of the problems? No. But it is a challenge that the scientists who are dealing with these issues feel that we can meet.

The gentleman says it is a pork barrel program. I do not have any missile defense contractors in my district. I do not have any. I do not have any favorite programs. I am willing to let the administration decide what is the best option. Some of my colleagues want sea based, some want land based, and some want space based. I am willing to let the administration make those decisions. This amendment ruins all of those options.

We have worked hard in a bipartisan way to get to where we are today. Democrats and Republicans have joined together for what is best for this country. This Sunday, I will leave for Russia, for Moscow with Secretary Cohen at his invitation. I am going to go to Moscow and miss votes because I think it is important, as I did before our bill came up last March, to brief the Russians on why we are doing what we are doing. We are not trying to back Russia into a corner, and the gentleman knows that. We have a concerted effort to work with the Russians. And when I go to Moscow with Secretary Cohen on Monday and Tuesday and Wednesday, I will sit there with the members of the Duma, with General Sergeyev, the Minister of Defense in Russia and we will sit there with the Minister of Foreign Affairs from Russia. And we will tell them that the threat is not Russia, but the threat is from the rogue states of Iran, Iraq, Syria, Libya and North Korea.

When the North Koreans test launched the Taepo Dong I 3-stage missile on August the 31st of 1998 over Japan's territory, the CIA acknowledged that that missile can now hit the U.S.; and we have no defense against that. If this amendment is passed, we will not be able to keep a time frame in place to move toward a 2005 deployment date. This is a wrecking amendment.

Mr. Chairman, I urge my colleagues on both sides of the aisle, my good Democrat friends like my colleague and friend, the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Washington (Mr. DICKS), the gentleman from South Carolina (Mr. SPRATT), all of those who have come together on this program; the gentleman from Virginia (Mr. PICKETT), the gentleman from Virginia (Mr. SISISKY), the gentleman from Texas (Mr. REYES), all of them; the gentleman from Hawaii (Mr. ABERCROMBIE), all of my colleagues who have worked hard, to continue to support the program that my gentleman's President wants from his party, and I acknowledge that he is our leader, and that is a program to move forward to a deployment date in the year 2005. Passing this amendment stops that process. Passing this amendment does severe damage.

My friend would say well, we want to make sure the program works. Well, we do too, and that is why in the last bill we punished the Lockheed Corporation because they were not successfully testing a THAAD program. We put in \$10 million hits every time they were unsuccessful.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WELDON) has expired.

(By unanimous consent, Mr. WELDON of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. WELDON of Pennsylvania. Mr. Chairman, when we had a problem with the THAAD program, the Members of Congress in both committees, the Committee on Appropriations and the authorization committee, from both sides came together and they said, we do not want to fund programs that do not work; we do not want companies making big bucks and not being held accountable. So what did we do?

My friend and my leader up there, the gentleman from South Carolina (Mr. SPENCE), working with the gentleman from Missouri (Mr. SKELTON), with the gentleman from California (Mr. LEWIS), and working with the gentleman from Pennsylvania (Mr. MURTHA), told the Lockheed Martin Company, if you do not get your act together and straighten out the quality control issues in the THAAD program, we are going to punish you. We have put language in the defense bill that said, every unsuccessful intercept would cost them \$10 million out of their corporate pockets, out of their profits, and that allowed then Lockheed to get their program together and their act together and the THAAD program has now had three successful intercepts in a row.

So when my colleague points out that we all want successful tests, he is right. I would just urge our colleagues on both sides of the aisle to overwhelmingly reject this amendment, support the request of President Clinton, support the request of Secretary Cohen, and allow this program to move to the next step. If we do that together, in the end, we will have a viable program that will provide the protection for America that will prevent similar situations like we had 9 years ago when those Americans came home in body bags because we could not defend a low-class missile from hitting and killing them while they were asleep in their barracks.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Tierney amendment and thank him for introducing it and engaging in this debate.

Today, we are debating a defense bill that includes billions of dollars for a national missile defense system that is profoundly flawed. Now, I had the privilege to work with my predecessor, Congressman Ron Dellums for many years, and I remember and many of us remember his vigilance, his dedication

and his careful analysis and profound arguments against star wars. Well, here we are again.

In the 1980s, critics of star wars rightly argued that it would cost billions, restart the nuclear arms race and ultimately not work. National missile defense is star wars with a new name, and all of the old problems. This program will cost billions of dollars at a time when we have failed to solve deep and far-reaching social problems here at home. We will be putting billions of dollars into an unproven military system when we have some 275,000 homeless veterans living on the streets of our cities and 44 million uninsured Americans with no health care.

This year's appropriation will be followed by billions more if we go down this road. We will be putting billions of dollars into a system in the name of national defense that will actually create greater international instability and accelerate nuclear proliferation. National missile defense, or Star Wars II, undermines the antiballistic missile treaty with Russia and, in all likelihood, it will probably convince the Chinese to expand their nuclear arsenal. National missile defense escalates the international arms race and escalates and accelerates nuclear proliferation, and it will not protect us from the most likely nuclear threat. In all probability, a nuclear assault will not come as an ICBM but as a suitcase bomb that Star Wars systems will never see and will never shoot down.

Finally, we will be putting billions of dollars into a system that expert after expert has told us will not work, even against attacks from ICBMs.

□ 1800

For example, the Union of Concerned Scientists and the American Physical Society have both pointed out that in addition to moral questions, in addition to geopolitical questions, in addition to economic questions, national missile defense systems will not work. These physicists tell us that MMD can be fooled by countermeasures that can be produced by any country that is capable of building a nuclear bomb in the first place.

Understand, I am not opposed to ensuring our national security. What I am opposed to is this national missile defense system, Star Wars II. Nor am I alone in making this distinction. The United States has failed to respond to the new realities of the post-Cold War.

Let me give a quote which I recently discovered: "It is as if President Bill Clinton's military was structured to go to war with President Ronald Reagan's, rather than that of Iraq or North Korea."

This quote comes from an organization, Business Leaders for Sensible Priorities, a group that includes retired brigadier generals, rear admirals, and some of the Nation's foremost businessmen and women. It is leading the way in calling for sensible, rational, and necessary budget cuts.

This organization was commissioned by President Ronald Reagan's Assistant Secretary of Defense to analyze today's military budget. In their report, a Cold War Budget Without a Cold War, they convincingly argued that the proposed ballistic missile spending and the defense budget as a whole are excessive and out of sync with actual security needs.

The 20th century was really stamped and we are still dealing with the imprint, I would say, of the Cold War. But it is our responsibility really to forge safer and sounder and saner policies in the 21st century. National missile defense is really not the way to do that. Rather, we should do what this amendment does. We should ensure that there are adequate funds to ensure that our retirees, for example, have access to medicines and to pharmaceuticals which they so deserve.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and in opposition to the fantasy that is properly called "the Star Wars Missile Defense System." I commend the gentleman from Massachusetts for his courage in advancing this amendment.

It is not too early for the Congress to debate this important issue. Indeed, it is quickly becoming too late to have a meaningful debate about a national missile defense system. The United States has already spent over \$100 billion dollars, on Star Wars. Now we are told that for a mere \$60 billion more, according to the Republican Congressional Budget Office, we can have a "limited missile defense system."

Of course, the many advocates of Star Wars, who say that a mere \$60 billion system would be too limited, recommend spending two or three times that amount. They mistakenly search for absolute security by absolutely draining the taxpayer for a very questionable venture.

Without the amendment of the gentleman from Massachusetts (Mr. TIERNEY), this debate is limited to choosing between bad and worse, between an ultra expensive program and a larger, more outlandishly and even more expensive program.

There are multiple problems with Star Wars.

First, Star Wars does not work. The supporters are really saying, "do not let good science get in the way of good politics;" "Deploy first and then see if it works later."

Hitting a bullet with a bullet is a significant, technical challenge. The advocates of this plan promise that it will shield the entire country when, in fact, it cannot dependably destroy even one incoming missile. Nor can this system adequately detect the difference between missiles and decoys.

The second problem with Star Wars is that it does not adequately deal with what is a very real threat from rogue nations and terrorist groups. An enemy

that wants to detonate a weapon of mass destruction does not need to develop an intercontinental missile system. They can rely on a smart bomb, which can little more than a suitcase and a fanatic. A human being with a nuclear or biological weapon can do great damage. But this defense at \$60, \$120, perhaps \$200 billion offers absolutely no ability to defend against that kind of threat.

The third and perhaps most important problem is that Star Wars is counterproductive. It actually jeopardizes our security.

In Asia, Star Wars even the possibility of deployment is already encouraging the Chinese, to produce even more missiles and to plan for MIRVing existing missiles with multiple warheads. A much larger Chinese nuclear force will be the natural result of the deployment of even a so-called "limited" system.

As China expands its nuclear capability, India will feel threatened. As India expands its nuclear capability, Pakistan will feel threatened. In short, Star Wars will create the very reality, the very threat that it seeks to avoid.

In Europe, we send forth a message of division. All of our major allies for whom this "limited" deployment offers absolutely no protection are left to fend for themselves. That is one of the reasons that they have consistently objected to even a limited, ill-advised Star Wars system.

With the foolish decision that was made in this Capitol last year to reject the Comprehensive Test Ban Treaty, and the refusal to ratify other arms control agreements, a decision to deploy now sends a Cold War message to Russia when we should be seizing an historic opportunity to dramatically reduce the number of nuclear weapons on this planet.

Deploying Star Wars, whether on a limited, complete, or in between basis, will fuel a world arms race that will make this Earth a much more dangerous place for all of our families. It substitutes political arrogance for good sense and good science. In short, Star Wars means that American families will pay more taxes for much less security. I urge adoption of the amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are at a very, very critical time in America's history. There is little doubt that in the past, as Ronald Reagan raised the question of a strategic defense initiative and a thing dubbed, by some, Star Wars, that one of the fall-outs of all of that discussion is that media across the country would make a mockery of the suggestion that we might be challenged by way of a missile threat.

Over time, the public came to the point of believing that we actually had a missile defense system. They actually, in sizeable percentages, think we have this in place. The reality is that

these are very hard things that we are about. The business of hitting a missile with a missile or a bullet with a bullet is very difficult stuff.

But we have technology moving forward that offers huge potential in terms of America's capability to defend itself from an errant missile attack, from a rogue Nation reacting in a fashion that would make no sense. Nonetheless, this President, William Jefferson Clinton, has asked us to put in this budget a dollar amount for long lead procurement, for development, laying the foundation for us to have the sensors and other equipment in place to measure whether this kind of defense system actually has potential to protect our people. He is not doing that lightly.

At the same time, the President has just finished a personal round of discussions with Mr. Putin. We all know that President Clinton is a very persuasive fellow, especially when he is one on one, and as of this moment, Mr. Putin is reconsidering the role of a shield in terms of Russia's interests as well as our interests. They are not rigid on this matter, and in no small part because I believe this President is very persuasive.

All of the experts that I have had the privilege of spending a lot of time with in recent years suggest to me that perhaps America has no near peer in the world for maybe as long as 10 years. I believe that that is likely the case. Over time there is a chance that China may come online and that India indeed might develop a competitive spirit in Asia.

Laying the foundation for that, Mr. Chairman, it seems to me there lies the strongest argument for this \$288.5 billion bill, is to set the stage for America to be ready to defend our country if we need to long-term.

Our actual purpose is not that. Our purpose is to set the stage that causes those leaders in Asia to know that America is so good and so able to defend herself that there must be other avenues to making it to a successful path in this shrinking world. What we hope is that the future leaders of China and India, indeed, will look around and say, wait a minute, why should we waste our resources following that pathway when the marketplace itself will work? Indeed, what we are about here is seeking to provide leadership for peace.

We talked about costs a while ago. Some of the costs that were discussed would suggest that we should not put a lot of money in R&D to make sure we are the best of the best in the future. The F-22, for example, will cost in just a short time ahead some \$61 billion as we go out to make sure this tactical fighter system will work. Peace and building for peace is not cheap, Mr. Chairman.

This bill reflects the only real reason to have a national government; that is, to make sure that we are prepared to

fight if we need to, but most importantly, to pursue those pathways to peace.

I must conclude my remarks by suggesting to all my colleagues that peace indeed is very, very expensive, and the most serious of our responsibilities as a national government. But we cannot begin to calculate the cost of war, Mr. Chairman. What America's leadership is about is to lay a foundation that will almost guarantee that leaders of common sense in the future will not want to follow a pathway that follows confrontation and war.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tierney amendment. The national missile defense as proposed would not be effective. We have heard that over and over again today. It would be costly to deploy and easily circumvented.

The proposed missile defense system probably would not work as designed, and wishing so will not overcome the physics. I speak with some background in the area. It could be confused with decoys. It could be bypassed with suitcase bombs and pick-up trucks and sea-launched missiles.

It would be not just billions of dollars down the drain. It is not just a diversion of precious resources that could be used for TRICARE or other such things. But we are told that this is going to provide a defense for us. No, it is worse than a waste. Simple strategic analysis tells us that a provocative yet permeable defense system is destabilizing and actually leads to reduced security.

In fact, the more effective the system turned out to be, the worse an idea it would be, because of the increase in instability and the damage done to our efforts to reduce weapons around the world.

Mr. Chairman, this is a weapons system in search of a cooperative enemy. Sure, it is a shield. We have heard about shields of the knights of yore. But where do the knights use those shields? Not around the house. They use them in battle. They use them in battle because they can thrust and parry from behind that shield.

We say, no, no, this is just a defensive shield. Those other countries do not need to be concerned what we are doing behind our shield. Well, only a cooperative enemy would believe us. Only a cooperative enemy would not try to use technically easily accessible decoys to defeat the system.

Therefore, I think we should defeat the Star Wars, Star Wars II, Star Wars Lite, Star Wars again program and use those resources for other, more humanitarian, much saner uses, and in the process, increase our security.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, is the gentleman aware that Russia, which he has alluded to, has an

operational ABM system, which he said is not necessary, and they have upgraded it three times? Is the gentleman aware of that?

Mr. HOLT. I am aware of the 1968 ABM treaty.

Mr. WELDON of Pennsylvania. I am not talking about treaty, but an ABM system that protects 75 percent of the Russian people surrounding Moscow, upgraded three times. Is the gentleman aware of that?

Mr. HOLT. I am aware that there is a system. It does not protect 75 percent of the Russian people.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would ask the gentleman, has the gentleman ever come to one of our 145 briefings on the issue? I have not seen him at one.

Mr. HOLT. I have had classified briefings on the subject.

Mr. WELDON of Pennsylvania. Personal briefings. I thank the gentleman.

Mr. HOLT. I do know something about the subject having studied and taught physics over many years.

In the vacuum above the Earth's atmosphere, it is almost trivial to set up decoys that would spoof such a system.

Mr. WELDON of Pennsylvania. Is the gentleman aware that we had a test occur October 2, 1999, where we launched an interceptor from Kwajalein that carried a 120-pound EXOatmospheric kill vehicle that intercepted a reentry vehicle and distinguished it from a decoy, distinguished it from a decoy successfully at 16,000 miles per hour 140 miles above the Pacific Ocean?

Is the gentleman aware of the test?

Mr. HOLT. I believe, if I am not mistaken, that was the test where the intercept vehicle tracked the decoy for a while.

Mr. WELDON of Pennsylvania. The thing is, it successfully distinguished the decoy from the reentry vehicle, hit it, and knocked it out, which is exactly the challenge we are pursuing. The gentleman just said we cannot do that. We have done it. If the gentleman would contact his own administration, he would find the facts.

□ 1815

Mr. HOLT. Mr. Chairman, I am aware of that test. I do not find it convincing and I certainly do not find the many failures that preceded and followed that convincing.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, the point just is there was a statement made earlier that passing of this amendment would kill the program. I think that is a bit of an exaggeration on that. I cannot imagine for a second that if this amendment passed, that next year we would not see these numbers back in here and another attempt to put it in.

This amendment, according to the gentleman from Pennsylvania (Mr.

MURTHA), this money may not be spent this fiscal year and likely will not be spent this year. So surely that is not going to kill it.

Mr. Chairman, we ought to talk about what this is. It is an amendment to reduce the procurement money to keep the R&D. And clearly, the research shows that it cannot work.

Mr. MARKEY. Mr. Chairman, the amendment offered by Representative TIERNEY and myself is quite simple. It would strike \$74.5 million from the "Defense-Wide Procurement" funds in this defense appropriations act and return \$29 million to the Defense Health Program. The only program that it would reduce is the National Missile Defense System.

Sixteen years ago we started this debate on a national missile defense system. Back then we had fanciful names for the components of the proposed missile defense system. We had "brilliant pebbles" to blind our senses with the wonders of our technological imagination. Of course, you had to have rocks in your head to believe it. This system was so imaginative we even named it "Star Wars". This umbrella of hydrogen-bomb-pumped lasers and kinetic kill vehicles was supposed to protect us against a full-scale Soviet nuclear missile attack.

Well, Mr. Chairman, there was a reason the name was based on Hollywood—the system was—and is—pure fiction. With time—and lots of money spent—only the names have changed. Today we are talking about procuring hardware for upgrades to early warning radars and X-band radars. Hardly the exotic names of the past. But the system is no less fanciful, just less effective.

No longer are we trying to protect against thousands of warheads. Now we hope to shoot down just ten or twenty. It seems the more money we spend, the less we plan to hit. With \$60 billion in past research and development and another \$60 billion in planned investment, we may be able to protect our country against 30 missiles.

Even after all this investment the technology still has a long way to go. In the simple tests we conducted, the system has not performed well. In one test the interceptor failed to hit the dummy target. In the other test, there was a hit, but only because the interceptor found the decoy, not the warhead. So today we're talking about procuring equipment for a system that still doesn't work, that has cost \$60 billion and will cost at least another \$30 billion. Most importantly, the Administration hasn't even made the decision to go forward with this latest summer rerun of "Star Wars".

Now there is one thing this system will definitely do. You see we are being asked to procure parts for a national missile defense system that might defend our country against a ballistic missile attack from a nation such as North Korea or Iran but will promote nuclear proliferation in Russia, China and other non-nuclear states eyeing the advisability of jumping the nuclear fence. In this case, it will be the vertical proliferation that characterized the arms build-up of the 80s.

Russia, we know, opposes any unilateral deployment of a National Missile Defense system that would violate the Anti-Ballistic Missile Treaty. If we go ahead and deploy unilaterally, the Russians have promised to withdraw from the arms control agreements that finally put a ceiling on the rising nuclear arms skyscrapers and started to take them down floor by floor.

Eliminating this system of treaties would have severe consequences for the safety and security of the United States. It could re-ignite the arms build-up that we have worked so hard to stop.

The opposition of China to a missile defense system could be an even bigger problem. Only two weeks ago this body voted to grant permanent normal trade relations with China, to increase and improve their economy. Are we going to spark a new arms spiral to make sure that their new economy is consumed by new weapons?

China has indicated that they will likely respond to a National Missile Defense system with an increase in missiles. On May 12, in the Washington Times, Sha Zukang, director of arms control and disarmament at the Chinese Foreign Ministry indicated, "The proposed U.S. National Missile Defense could neutralize China's . . . arsenal and already has prompted Russia and China to begin discussions on ways to overcome it."

How does this supposed "defense" system increase our security, if it leads to an offensive response from nations with proven nuclear ballistic missile systems? Remember, the greatest threat to U.S. security is still the mammoth nuclear arsenals in Russia and China. These are real rockets capable of real destruction not the maybe missiles of North Korea.

The American people understand this. In a recent poll conducted by the Pew Research Center for the People and the Press and the Pew Charitable Trust, when asked how they felt about missile defense if it jeopardizes arms reduction talks with Russia, 55% of respondents opposed missile defense and only 35% support it. The people have spoken, now it is time for this Congress to listen.

I urge members to support this amendment and halt the initial procurement for the national missile defense system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$3,000,000 only for microwave power tubes and to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$6,025,057,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,222,927,000, to remain available for obligation until September 30, 2002: *Provided*, That funds appropriated in

this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$13,760,689,000, to remain available for obligation until September 30, 2002: *Provided*, That none of the funds in this Act may be used to develop an ejection seat for the Joint Strike Fighter other than those developed under the Joint Ejection Seat Program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,918,997,000, to remain available for obligation until September 30, 2002.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH: Page 33, line 5, insert "(reduced by \$174,024,000)" after the dollar amount.

Page 35, lines 10 and 11, insert "(increased by \$174,024,000)" after the dollar amount.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, my amendment would reduce spending for research, development and testing for the National Missile Defense System by 10 percent, about the same amount of the increase made by the committee for the Ballistic Missile Defense Organization over the budget request. It would increase the budget for the Defense Health Program by the same amount.

This bill includes a provision for \$1.8 billion for a boondoggle called the National Missile Defense System. First, the system is a fraud on the taxpayer and a danger to arms reduction.

Second, the technology is not feasible, not testable, and therefore not reliable.

Third, it does not protect against real threats.

Fourth, it will destabilize our relations with our allies worldwide and will spark a new and expanded arms race.

Fifth, it violates years of work towards disarmament and nonproliferation.

And sixth, its sole purpose seems to be to line the pockets of military contractors.

Let me deal with a few of the many reasons why this whole idea is wrong. As many of my colleagues know, the

National Missile Defense System depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys. But according to the New York Times, the system failed those tests.

Quote from the Times: "The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor had initially drifted off course and picked out a decoy balloon rather than a warhead." That is because according to the Times, the system cannot tell the difference between warheads and decoys.

Experiments with the National Defense System have revealed that the system is "inherently unable to make the distinction," and that is between the target warhead and decoys. The New York Times characterized the MIT scientists as saying that the signals from the "mock warheads and decoys fluctuated in a varied and totally unpredictable way, revealing no feature that could be used to distinguish one object from the other." Indeed, The New York Times reported that "the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart."

So in other words, Mr. Chairman, the National Missile Defense does not work and cannot work because it inherently cannot tell the difference between warheads and decoys.

While the National Missile Defense is a technological failure and a fraud, it could potentially succeed in setting the stage for a worldwide arms race and dismantle past arms treaties. The NMD violates the central principle of the ABM Treaty, which is a ban on the deployment of strategic missile defenses. It will undermine the Nuclear Nonproliferation Treaty. It will negate the Anti-Ballistic Missile Treaty.

It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead toward transitions toward nuclear arms for the nonnuclear nations. It will make the world less safe. It will lead to impoverishment of people of many nations as budgets are refashioned for nuclear arms expenditures.

That the United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile which can touch the continental United States argues for talks with North Korea, not the beginning of a new worldwide arms race.

President Clinton has recently returned from Russia and Europe in an effort to convince our allies that a U.S. Star Wars system is in their best interest, but many say this is simply not true. Many officials in the intelligence and scientific community have said otherwise. According to an article in the L.A. Times, high-ranking intelligence officials are set to offer a report that states deploying a Star Wars system could result in destabilizing events worldwide. I think this is significant, when the President's advisors

and the intelligence community are saying that it could result in instability and insecurity worldwide.

The Times indicates that the report is expected to state, and I agree, that such a deployment may result in a buildup of nuclear missiles worldwide and the spread of missile technology.

Mr. Chairman, we spent over \$60 billion as a Nation on this failed system since 1985. Why spend another \$60 billion? This system does not work. Here we are 15 years later, a scientist conducting a review says he could prove it does not work. Worst, claims have been made that the tests were fraudulently interpreted, which means that not only is there a question of fraud on the taxpayers, but a fraud on our national defense.

Scientists have sent letters to the White House regarding the fraud. The New York Times has printed articles about claims of fraud. After the articles were published, the Department of Defense slapped a "classified" label on the letter, so I cannot read that letter. I cannot read about the claims of fraud to this Congress, even though the claims have already been reported on by national newspapers of record, even though documented claims of fraud have been made by reputable scientists on a matter currently before this House.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(By unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. KUCINICH. Mr. Chairman, on a matter currently before this House where we are ready to appropriate nearly \$2 billion for an antimissile system which does not work. We have a classification label slapped onto this to cover up what? Fraud?

Not only has the system already cost \$60 billion. At this very moment, this House and the taxpayers are going to fork over another \$2 billion now and another \$58 million later?

The American taxpayers and this Congress have a right to know about claims of fraud, about claims of a tricked-up test result, about whether those tests have been rigged to defraud the American taxpayer. The House has a right to know. The taxpayers have a right to know. Why the secrecy about claims of fraud on the taxpayer?

Mr. Chairman, if my colleagues are for this antimissile system, it is their obligation to find out if it works and if there is fraud.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) insist on his point of order?

Mr. LEWIS of California. I do, Mr. Chairman. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act, as amended.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KUCINICH) wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. KUCINICH. Mr. Chairman, I would like to respond. This amendment is merely perfecting the number on an unauthorized account by increasing it. This is within the rule, because it merely perfects a number. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill and prohibiting reappropriations in a general appropriations bill. Therefore, an appropriations bill put in breach by the rule is allowed to remain.

Mr. Chairman, I will read that again. An appropriations bill put in breach by the rule is allowed to remain, so amendments that increase are permitted.

Clause 2(f) of rule XXI states that when we are reaching ahead to increase a program, the CBO must determine budget authority and outlay neutrality. This amendment has been scored by the CBO and has the CBO-determined budget authority and outlay neutrality. This amendment is within the rules of this House. I have the CBO table for the record.

On the note of that according to CBO, if one looks at the entire effect of this amendment, it is outlay neutral. In the end, there is no outlay effect. But for each individual year, there may be an outlay effect.

I would ask a question of the Parliamentarian, and that is if an amendment has an effect on outlays per year but does not change the overall end effect of the bill, is it outlay neutral?

The CHAIRMAN. The Chair will not entertain the question to the Parliamentarian. The gentleman may continue discussing the point of order.

Mr. KUCINICH. Mr. Chairman, I would state then my insistence that this amendment is in order. That if the Parliamentarian had reviewed it, or did review it, he would see that the amendment has an effect on outlays per year, but does not change the overall end effect of the bill. It is outlay neutral.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The gentleman from California makes a point of order under section 302(f) of the Budget Act which constrains budget authority.

The amendment provides no net new budget authority. That it may not be neutral on outlays is of no moment under section 302(f) of the Budget Act. The point of order is overruled.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word. I am not going to take the full 5 minutes, but this is another amendment that is in my opinion a mischievous amendment.

Mr. Chairman, we have had 145, 150 classified hearings, open hearings, and briefings. The gentleman from Ohio mentioned that there were some secrets. I have never seen the gentleman,

my good friend and colleague, at any briefing in 150 of them over 6 years. Not one on missile defense. I have chaired them all. I have not seen him at one.

Now, that does not mean he is not a good Member, because he is a friend of mine. But if he wants to have access to classified information, he can have all the classified information he wants. If he wants a letter that is classified, we will get it for him. If he wants to have a classified briefing, as we did on the House floor last year, he can get it. All of that information is available.

Mr. Chairman, in the committee, Members of both parties have attended. All of those briefings were attended by Members of both parties. It was not like the Republicans only did a briefing without the minority. The minority has been in the lead on some of these investigations.

To say that somehow that we are trying to keep something secret, or that one scientist out of perhaps a couple hundred thousand has the answer, I think is a little shortsighted and naive.

In terms of what this amendment would do, the gentleman takes the money out of the research accounts. We have already cut the research accounts in the military budget by 25 percent over the past 8 years. There has been a 25 percent reduction. I want to remind my colleague, the bulk of the money that we have cut in terms of R&D goes to universities. The 6.1, 6.2, and 6.3 account lines of the Defense budget are all R&D in the science and technology account lines. They go to all of our universities. They go to Harvard, and they go for basic research in basic technology areas, in the composites area, in physics.

The other thing I would say to the gentleman from Ohio, my colleague and my friend, is that he mentioned the research on missile defense. I would cite at least six examples that I have in front of me that I jotted down off the top of my head of technology that is used for medical purposes that would not have been developed except it was spun off from technology being used to develop missile defense capabilities.

One of those technologies developed through an SBIR program allows us now to understand the problems of nearsightedness. Using technology that was developed for our missile defense system now helps people be treated that have nearsightedness problems. There are many breakthroughs that have occurred from the spin-offs of these technologies that would be cut by this, besides the original intent of this, which is to allow us to fully fund a robust R&D program.

□ 1830

I agree with the gentleman. We do not want to waste money. I do not want to waste money. He understands, and he and I both know that. I do not want to do anything to create a provocation with the Russians. My friend and colleague knows that. We went to

Vienna together. We sat across the table from the Russian leadership for 2 days.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would like to state my affection for the gentleman from Pennsylvania (Mr. WELDON), my respect for his sagacity, his knowledge of these issues. I think this is an important debate. I think that those of us who, for the last 15 years, have been watching this who perhaps have not had the opportunity to attend any of the gentleman's meetings can still develop a point of view based on information that we receive independently that can achieve a level of debate which this House is entering into.

Of course my main point is what we know right now. We have a lot of information that suggests there is serious questions as to whether the system works or not which is even before we get into the feasibility of it on a national defense basis.

But I want to reiterate my great respect for the gentleman from Pennsylvania (Mr. WELDON), and my appreciation for his commitment to the defense of our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would just say in closing, I will invite the gentleman from Ohio (Mr. KUCINICH) to attend any session he wants. I will arrange for a full-scale briefing with every leader in this program in his office at a classified level to answer any question the gentleman has.

Ms. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support real steps to protect the American public from nuclear holocaust such as the de-alerting of nuclear weapons, the START process, the Cooperative Threat Reduction Program. And the most significant obstacle to meaningful nuclear arms control right now is the National Missile Defense program, the sequel to President Reagan's Star Wars fantasy.

The administration has told us that the decision on whether to deploy Star Wars II will be based on four criteria: the technical progress of the system, the cost, an assessment of the threat, and the impact of deployment on existing treaties, and arms control efforts. I believe in each of these areas, the evidence clearly leads to a decision to reject deployment.

With respect to the impact of deployment on arms control, the proposed missile defense clearly violates the ABM treaty which is the foundation of real arms control efforts, including the START reductions. Deployment will also violate the spirit, if not the letter of the Non-Proliferation Treaty, particularly Article VI.

Even our closest allies in Europe have voiced opposition to deployment.

A February 15 article in the International Herald Tribune reported that "European governments without exception oppose the U.S. anti-missile project."

With respect to the real or perceived threat, the threat of a limited missile attack from a rogue state is overstated. The CIA's own analysis is revealing. They reported that "U.S. territory is probably more likely to be attacked with weapons of mass destruction by nonmissile delivery means than by missiles, primarily because nonmissile delivery means are less costly and more reliable and accurate."

The last point is very important because Star Wars II advocates must ignore reality and assume two things. First, that the threat of massive retaliation by the United States is no longer a valid deterrent. Second, that a country with the advanced technical capability to build a weapon of mass destruction and the missile technology to deliver it will not be able to figure out how to sneak a bomb into the United States on a boat.

With respect to the cost, since President Reagan announced his strategic defense initiative, we have spent more than \$60 billion on researching technical means of hitting a bullet with a bullet. The current estimate for deployment is another \$60 billion, bringing the total cost to the program at least \$120 billion.

While such a staggering sum is undoubtedly of considerable interest to the weapons industry, it is also, in the final sense, a theft from programs designed to meet human needs. In fact, if we decide to pursue this program, in the end, it will cost every American family \$1,760.56. This is welfare for some of the wealthiest corporations in the country paid for by working Americans.

With respect to technological assessment, the most recent independent analysis, a study conducted by the Union of Concerned Scientists and MIT found that the hit-to-kill technology of NMD can be easily fooled by countermeasures using existing technology.

An independent panel headed by retired Air Force General Larry Welch said that the deployment decision should not be made until 2003, after testing how the various components of the system work together. The panel characterized Congress' push for early deployment as a rush to failure.

I believe the jury is regarding each of these criteria. To date, proven arms control efforts have eliminated thousands of Russian nuclear weapons aimed at American cities, saving the taxpayers billions of dollars. Conversely, despite the billions wasted on development, NMD has not eliminated a single missile, and it never really will.

Mr. Chairman, there are active and robust government and nongovernment programs in place that are doing more to reduce the threats from rogue states or terrorists right now than Star Wars

ever will. They include efforts by USAID, USIA, the State Department, National Endowment for Democracy, the Asia Foundation. U.S. NGOs, including the Carter Center, universities, unions, faith-based organizations, research and policy institutions are among the most active in the world in promoting democracy and goodwill.

Ultimately the security of America is not served by a neo-isolationist fortress America type of foreign policy. If we truly seek to promote democracy and enhance the security of all Americans, we should divert some of the billions that we waste on programs like this and instead invest it on agencies and organizations that are capable of doing the job.

I urge a yes vote on the Kucinich amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words, and I rise to support this amendment.

Sooner or later, this Congress will come to grips on what really defines our national security and realize that it is not billions and billions of dollars to build a national defense system that will not work. A national defense system or Star Wars II will create greater instability and accelerate nuclear proliferation.

As I mentioned earlier, the Union of Concerned Scientists and the American Physical Society have both pointed out that, in addition to economic questions, in addition to geo-political questions, and in addition to moral questions, it just will not work.

Our national security needs really should be defined by how our budget priorities guarantee the security of our children and our families. Two hundred seventy-five thousand homeless veterans do not go to bed at night secure. Forty-four million Americans with no health insurance do not go to bed at night secure. Children who have no future because we have not invested in their education do not go to bed at night secure.

During the 1970s and 1980s and 1990s, we listened to my predecessor Congressman Ron Dellums set forth a clear analysis and profound arguments in opposition to an escalating military budget and to Star Wars and to raise our awareness to the fact that a strong and secure America is not based upon how many missiles we build but rather upon how secure Americans are from within our own borders.

It was true then. It is true now. Spending billions and billions of dollars on a national missile defense system that will not work takes us in the wrong direction.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment of the gentleman from Ohio (Mr. KUCINICH) to the defense bill. Like my colleague, I have grave concerns about this bill's funding commitment for ballistic missile defense programs.

But before I tell my colleagues what my reservations are, I have to make an observance. This observance is that we could take the investment we make in the ballistic missile defense program, and that alone would be a great down payment in waging peace. We do not even talk about that on this floor.

What if we invested an equal amount of time debating how we can get to peace, we the United States and the rest of the global community? That would be a real investment, Mr. Chairman. That would be an investment in our national security.

Now, about this anti-missile system program. Let us face it, this program is not anti-missile. It is anti-woman, anti-children, and anti-family. It takes valuable resources from urgent civilian needs that also affect national security.

Instead of investing in a national missile defense program, we should be spending our scarce financial resources in our real domestic needs, like our children's education, our seniors and their health care, our families and their security, and a debate on waging peace.

Our current nuclear arsenal costs about \$35 billion annually. It is approximately 13 times the budget for the National Cancer Institute. It is also 120 times the amount spent annually on domestic violence, on battered women's shelters, and on runaway youths.

Mr. Chairman, if the past is prologue, prior poor management and oversight of nuclear weapons programs have cost hundreds of billions of dollars that contributed little or nothing to defense and deterrence. I wonder what the American tax payers are going to get from this investment.

Since 1940, the United States has spent \$5.8 trillion on nuclear weapons programs, more than any single program except Social Security. The U.S. has already spent more than \$100 billion on missile defenses with very little to show, if anything. So why would we continue to throw good money after bad?

For example, the U.S. spent over \$21 billion on the safeguard anti-ballistic missile system that was ultimately cancelled because high operational costs eclipsed the limited defense benefits. We also wasted \$12.5 billion on the development of the B-1A bomber that was cancelled, and \$12.5 billion for four B-1A bomber planes, two of which crashed.

Also, the nuclear aircraft propulsion program cost taxpayers \$7 billion, only to be cancelled due to poor management, technical problems, and the lack of a clear mission. Finally, the Midgetman, small ICBM, cost taxpayers over \$5.5 billion, only to be cancelled due to a lack of need and the end of the Cold War.

Considering this poor track record, it is outrageous that funding for ballistic missile defense programs is still being debated. Even more so considering several Pentagon officials studying the

NMD proposal have expressed reservation that it is unnecessary and it would be ineffective.

The last reason for my concern, Mr. Chairman, about the national missile defense program is its grave implications for current arms control agreements. In order for this administration to proceed with a national missile defense, the anti-ballistic missile treaty may have to be modified.

For the past several decades, this treaty has been the cornerstone of efforts to contain, reduce, and abolish nuclear weapons. We should all be concerned about funding a program that requires any thought of abandoning our prior commitments to nuclear disarmament agreements.

Mr. Chairman, I have come to the well of this House to comment on our misplaced priorities as far as nuclear weapons programs are concerned. I commend the gentleman from Ohio (Mr. KUCINICH) for offering this amendment that will free up funds in unneeded nuclear weapons funding.

I urge my colleagues to support this amendment.

□ 1845

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; policy and guidance for the Department's overall test and evaluation functions; test and evaluation infrastructure investment and oversight; specialized assessment capabilities; and administrative expenses in connection therewith, \$242,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$916,276,000: *Provided*, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), \$400,658,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears,

and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$12,143,029,000, of which \$11,525,143,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which \$290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which \$327,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation, and of which \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$927,100,000, of which \$607,200,000 shall be for Operation and maintenance to remain available until September 30, 2002, \$105,700,000 shall be for Procurement to remain available until September 30, 2003, and \$214,200,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *Provided*, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$812,200,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$147,545,000, of which \$144,245,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$224,181,000, of which \$22,577,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, \$33,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2003, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

PAYMENT TO KAHOLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplo-

matic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a

multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG-51 destroyer; and UH-60/CH-60 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other se-

verely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or Tricare shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive

agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101-189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall

be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8033. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Sub-

committee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8034. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8035. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8036. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8037. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8038. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for

that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8039. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8041. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8042. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8043. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2002 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8044. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8045. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8046. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8047. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8048. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8049. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant indus-

trial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8052. Funds appropriated by this Act and in Public Law 105-277, or made available by the transfer of funds in this Act and in Public Law 105-277 for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Aircraft Procurement, Army, 2000/2002", \$7,000,000;

"Missile Procurement, Army, 2000/2002", \$6,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002", \$7,000,000;

"Procurement of Ammunition, Army, 2000/2002", \$5,000,000;

"Other Procurement, Army, 2000/2002", \$16,000,000;

"Aircraft Procurement, Air Force, 2000/2002", \$32,700,000;

"Missile Procurement, Air Force, 2000/2002", \$5,500,000;

"Other Procurement, Air Force, 2000/2002", \$6,400,000;

"Research, Development, Test and Evaluation, Army, 2000/2001", \$19,000,000;

"Research, Development, Test and Evaluation, Air Force, 2000/2001", \$42,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2000/2001", \$33,900,000;

Provided, That these reductions shall be applied proportionally to each budget activity,

activity group and subactivity group and each program, project and activity within each appropriation account: *Provided further*, That the following additional amounts are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Shipbuilding and Conversion, Navy, 1998/2002", SSN-21 attack submarine program, \$74,000,000;

"Other Procurement, Army, 1999/2001", \$3,000,000;

"Weapons Procurement, Navy, 1999/2001", \$22,000,000;

"Aircraft Procurement, Air Force, 1999/2001", \$12,300,000;

"Missile Procurement, Air Force, 1999/2001", \$20,000,000;

"Other Procurement, Air Force, 1999/2001", \$8,000,000;

"Missile Procurement, Army, 2000/2002", \$150,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002", \$60,000,000;

"Other Procurement, Army, 2000/2002", \$29,000,000;

"Aircraft Procurement, Navy, 2000/2002", \$6,500,000;

"Missile Procurement, Air Force, 2000/2002", \$6,192,000;

"Other Procurement, Air Force, 2000/2002", \$20,000,000;

"Research, Development, Test and Evaluation, Army, 2000/2001", \$52,000,000;

"Research, Development, Test and Evaluation, Air Force, 2000/2001", \$30,000,000; and

"Reserve Mobilization Income Insurance Fund", \$17,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate:

Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8059. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2000 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8060. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,222,000,000.

SEC. 8061. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8062. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8063. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8064. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8065. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense commit-

tees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8066. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8067. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8068. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8069. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority

of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than \$10,000,000 of appropriations

made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8079. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8080. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and

civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8081. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8082. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8083. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8084. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$800,000,000 to reflect working capital fund cash balance and rate stabilization adjustments, to be distributed as follows:

"Operation and Maintenance, Army", \$40,794,000;

"Operation and Maintenance, Navy", \$271,856,000;

"Operation and Maintenance, Marine Corps", \$5,006,000;

"Operation and Maintenance, Air Force", \$294,209,000;

"Operation and Maintenance, Defense-Wide", \$10,864,000;

"Operation and Maintenance, Navy Reserve", \$31,669,000;

"Operation and Maintenance, Marine Corps Reserve", \$563,000;

"Operation and Maintenance, Air Force Reserve", \$43,974,000;

"Operation and Maintenance, Army National Guard", \$15,572,000; and

"Operation and Maintenance, Air National Guard", \$85,493,000.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

(d) Section 8093(d) of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1253), is amended by inserting "design, manufacture, or" after "obligated or expended for".

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That of these funds, \$300,000 shall be made available to establish and operate a distance learning program: *Provided further*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8089. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provi-

sion of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8090. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8091. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$537,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

"Military Personnel, Army", \$114,600,000;
 "Military Personnel, Navy", \$36,900,000;
 "Military Personnel, Marine Corps", \$9,700,000;
 "Military Personnel, Air Force", \$83,600,000;
 "Operation and Maintenance, Army", \$177,500,000;
 "Operation and Maintenance, Navy", \$31,600,000;
 "Operation and Maintenance, Marine Corps", \$1,600,000;
 "Operation and Maintenance, Air Force", \$53,500,000;
 "Operation and Maintenance, Defense-Wide", \$15,300,000; and
 "Defense Health Program", \$13,300,000.

SEC. 8093. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability

for national security purposes or there exists a significant cost or quality difference.

SEC. 8094. Of the funds made available in this Act, not less than \$65,200,000 shall be available to maintain an attrition reserve force of 23 B-52 aircraft, of which \$3,200,000 shall be available from "Military Personnel, Air Force", \$36,900,000 shall be available from "Operation and Maintenance, Air Force", and \$25,100,000 shall be available from "Air-craft Procurement, Air Force": *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 23 attrition reserve aircraft, during fiscal year 2001: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8095. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8096. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8097. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8098. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8099. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Architecture Framework.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8100. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8101. None of the funds provided in this Act may be used to transfer to any non-

governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8102. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8103. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. In addition to the amounts provided elsewhere in this Act, the amount of \$5,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards and performance based academic model at schools administered by the Department of Defense Education Activity.

SEC. 8105. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking

Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8106. During the current fiscal year, the Secretary of Defense shall fully identify any health care contract liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs during the budget year of execution: *Provided*, That the Secretary of Defense shall provide a report to the congressional defense committees which fully details the extent of such health care contract liabilities, requests for equitable adjustment and claims for unanticipated healthcare contract costs not later than March 1, 2001: *Provided further*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8107. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", \$115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8109. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$463,400,000 to reflect stabilization of the balance available in the "Foreign Currency Fluctuation, Defense" account, to be distributed as follows:

"Military Personnel, Army", \$40,200,000;
 "Military Personnel, Navy", \$70,200,000;
 "Military Personnel, Marine Corps", \$27,700,000;
 "Military Personnel, Air Force", \$92,700,000;
 "Operation and Maintenance, Army", \$137,300,000;
 "Operation and Maintenance, Navy", \$34,800,000;
 "Operation and Maintenance, Marine Corps", \$4,400,000;
 "Operation and Maintenance, Air Force", \$35,500,000;
 "Operation and Maintenance, Defense-Wide", \$11,500,000; and
 "Defense Health Program", \$9,100,000.

SEC. 8110. None of the funds provided in title III of this Act may be obligated for F-16 aircraft modifications until the Secretary of the Air Force submits a report to the congressional defense committees detailing a plan to assign, no later than the first quarter of fiscal year 2002, F-16 Block 40 aircraft, or

later model F-16 aircraft, to Air National Guard units which were deployed to Operation Desert Storm.

SEC. 8111. (a) REPORT TO THE CONGRESSIONAL DEFENSE COMMITTEES.—Not later than May 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on work-related illnesses in the Department of Defense workforce, including the workforce of Department contractors and vendors, resulting from exposure to beryllium or beryllium alloys.

(b) PROCEDURE, METHODOLOGY, AND TIME PERIODS.—To the maximum extent practicable, the Secretary shall use the same procedures, methodology, and time periods in carrying out the work required to prepare the report under subsection (a) as those used by the Department of Energy to determine work-related illnesses in the Department of Energy workforce associated with exposure to beryllium or beryllium alloys. To the extent that different procedures, methodology, and time periods are used, the Secretary shall explain in the report why those different procedures, methodology, or time periods were used, why they were appropriate, and how they differ from those used by the Department of Energy.

(c) REPORT ELEMENTS.—The report shall include the following:

(1) A description of the precautions used by the Department of Defense and its contractors and vendors to protect their current employees from beryllium-related disease.

(2) Identification of elements of the Department of Defense and of contractors and vendors to the Department of Defense that use or have used beryllium or beryllium alloys in production of products for the Department of Defense.

(3) The number of employees (or, if an actual number is not available, an estimate of the number of employees) employed by each of the Department of Defense elements identified under paragraph (2) that are or were exposed during the course of their Defense-related employment to beryllium, beryllium dust, or beryllium fumes.

(4) A characterization of the amount, frequency, and duration of exposure for employees identified under paragraph (3).

(5) Identification of the actual number of instances of acute beryllium disease, chronic beryllium disease, or beryllium sensitization that have been documented to date among employees of the Department of Defense and its contractors and vendors.

(6) The estimated cost if the Department of Defense were to provide workers' compensation benefits comparable to benefits provided under the Federal Employees Compensation Act to employees, including former employees, of Government organizations, contractors, and vendors who have contracted beryllium-related diseases.

(7) The Secretary's recommendations on whether compensation for work-related illnesses in the Department of Defense workforce, including contractors and vendors, is justified or recommended.

(8) Legislative proposals, if any, to implement the Secretary's recommendations under paragraph (7).

SEC. 8112. Of the amounts made available in title II of this Act for "Operation and Maintenance, Army", \$1,900,000 shall be available only for the purpose of making a grant to the San Bernardino County Airports Department for the installation of a perimeter security fence for that portion of the Barstow-Daggett Airport, California, which is used as a heliport for the National Training Center, Fort Irwin, California, and for installation of other security improvements at that airport.

SEC. 8113. The Secretary of Defense may during the current fiscal year and hereafter

carry out the activities and exercise the authorities provided under the demonstration program authorized by section 9148 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1941).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in title IV of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) for the Grizzly minefield breacher program, \$15,000,000 is hereby transferred to "Procurement of Weapons and Tracked Combat Vehicles, Army", in title III of the Department of Defense Appropriations Act, 2000, and shall be available only for the Wolverine heavy assault bridge program: *Provided*, That funds transferred pursuant to this section shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That not later than 60 days after the enactment of this Act, the Department of the Army shall, from within funds available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army", in the Department of Defense Appropriations Act, 2000, obligate \$97,000,000 for procurement of the Wolverine heavy assault bridge program.

SEC. 8115. (a) (1) None of the funds described in paragraph (2) that are provided in title III of this Act for the Department of the Army to procure a second brigade set of Interim Armored Vehicles (also referred to as the Family of Medium Armored Vehicles) and other equipment to support the fielding of a second new interim brigade combat team (hereinafter in this section referred to as a "medium brigade") may be obligated or expended until the Secretary of Defense submits to the congressional defense committees, after February 1, 2001, a certification of the following:

(A) That the fiscal year 2002 budget of the Department of Defense submitted as part of the budget of the President for fiscal year 2002 (including any amendment or supplement to such budget) fully funds the fiscal year 2002 procurement costs, development costs, and initial year operation and maintenance costs associated with the procurement and fielding of two additional new medium brigades (in addition to those for which funds are provided in this Act and previous appropriations Acts).

(B) That the Future Years Defense Plan (FYDP) current at the time of such budget submission includes amounts to fully fund the procurement costs, the development costs, and the operation and maintenance costs associated with the procurement and fielding of at least two additional medium brigades per fiscal year covered by that Future Years Defense Plan.

(C) That the Director of Operational Test and Evaluation of the Department of Defense has approved the Test and Evaluation Master Plan for the Interim Armored Vehicle.

(2) The funding provided in title III of this Act to support the fielding of a second new medium brigade that is subject to the limitation in paragraph (1) is the amount of \$600,000,000 provided under the heading, "Procurement of Weapons and Tracked Combat Vehicles, Army", and the amount of \$200,000,000 provided under the heading "Other Procurement, Army", for procurement of equipment for a second medium brigade, as set forth in the report of the Committee on Appropriations of the House of Representatives accompanying the Department of Defense Appropriations Act for fiscal year 2001.

(b) Not later than 90 days after the date of the source selection for the Interim Armored Vehicle program (also referred to as the

Family of Medium Armored Vehicles program), the Secretary of the Army shall submit to the congressional defense committees a detailed report on that program. The report shall include the following:

(1) The required research and development cost for each variant of the Interim Armored Vehicle to be procured and the total research and development cost for the program.

(2) The major milestones for the development program for the Interim Armored Vehicle program.

(3) The production unit cost of each variant of the Interim Armored Vehicle to be procured.

(4) The total procurement cost of the Interim Armored Vehicle program.

(c) The Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report (in both classified and unclassified versions) on the joint warfighting requirements to be met by the new medium brigades for the Army. The report shall describe any adjustments made to operational plans of the commanders of the unified combatant commands for use of those brigades. The report shall be submitted at the time that the President's budget for fiscal year 2002 is transmitted to Congress.

(d) In this section, any reference to the budget of the President for fiscal year 2002 refers to a budget transmitted to Congress under section 1105 of title 31, United States Code, after January 20, 2001.

SEC. 8116. None of the funds made available in this Act or the Department of Defense Appropriations Act, 2000 (Public Law 106-79) may be used to award a full funding contract for low-rate initial production for the F-22 aircraft program until—

(1) the first flight of an F-22 aircraft incorporating Block 3.0 software has been conducted;

(2) the Secretary of Defense certifies to the congressional defense committees that all Defense Acquisition Board exit criteria for the award of low-rate initial production of the aircraft have been met; and

(3) upon completion of the requirements under (1) and (2) above, the Director of Operational Test and Evaluation submits to the congressional defense committees a report assessing the adequacy of testing to date to measure and predict performance of F-22 avionics systems, stealth characteristics, and weapons delivery systems.

SEC. 8117. (a) The total amount expended by the Department of Defense for the F-22 aircraft program (over all fiscal years of the life of the program) for engineering and manufacturing development and for production may not exceed \$58,028,200,000. The amount provided in the preceding sentence shall be adjusted by the Secretary of the Air Force in the manner provided in section 217(c) of Public Law 105-85 (111 Stat. 1660). This section supersedes any limitation previously provided by law on the amount that may be obligated or expended for engineering and manufacturing development under the F-22 aircraft program and any limitation previously provided by law on the amount that may be obligated or expended for the F-22 production program.

(b) The provisions of subsection (a) apply during the current fiscal year and subsequent fiscal years.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 113, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 8118. JOINT STRIKE FIGHTER PROGRAM.—(a) REPORTS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Strike Fighter (JSF) aircraft program. The report shall include a detailed description of any change or modification to that program made since the submission of the President's budget for fiscal year 2001, including any such change or modification initiated by the Department of Defense and any such change or modification resulting from congressional action on the fiscal year 2001 budget for the Department of Defense. The report shall also include the following:

(A) The acquisition strategy for the Joint Strike Fighter program, including the estimated total program costs for development and for production, the program development schedule, and the planned production profile.

(B) If applicable, the effect of any revisions to that acquisition strategy on the average unit cost of the Joint Strike Fighter aircraft when compared to the original acquisition strategy for that program.

(C) Results derived to date from the concept demonstration/validation phase of the program, including available data from flight tests of demonstration aircraft.

(D) An assessment of the degree to which the concept demonstration/validation phase has addressed key aircraft and aircraft subsystem performance parameters before a source selection decision is made and the engineering and manufacturing development (EMD) phase of the program is begun.

(E) The strategy of the Department for insertion of technology into the Joint Strike Fighter aircraft, including details regarding when critical subsystems to be incorporated on the aircraft are to be demonstrated in a prototype configuration (either before or in the early stages of Engineering and Manufacturing Development).

(2) Not later than March 30, 2001 (and not earlier than February 1, 2001), the Secretary of Defense shall submit to the congressional defense committees a second report on the acquisition plan for the Joint Strike Fighter aircraft program. That report shall address each of the matters specified in paragraph (1) as of the time of that report, as well as any additional changes to that acquisition plan that have been made as a consequence of the fiscal year 2002 Department of Defense budget (as submitted as part of the budget of the President for fiscal year 2002 transmitted under section 1105 of title 31, United States Code, after January 20, 2001) and the accompanying Future Years Defense Plan (as well as any amendment to the Department of Defense budget submitted before the submission of the report).

(b) ENGINEERING AND MANUFACTURING DEVELOPMENT.—Consistent with funds provided in title IV of this Act, none of the funds provided in this Act may be used to award a contract for engineering and manufacturing development (EMD) of the Joint Strike Fighter aircraft program—

(1) before the later of—

(A) June 1, 2000; and

(B) the date of the submission of each of the reports required by subsection (a); and

(2) until the Secretary of Defense certifies to the congressional defense committees that the Joint Strike Fighter engineering and manufacturing development program is fully funded in the Future-Years Defense Plan for each of the principal Department of

Defense participants in the Joint Strike Fighter program.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, on a total of three or more occasions after the date of the enactment of this Act, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order, and the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would hope the gentleman does not insist on his point of order, because the amendment that is before the House now, which I am offering, would provide for "three strikes and you're out" for defense contractors who are convicted of government procurement related fraud only. They can have other offenses of law against their employees, environmental laws, any other Federal law, but more than three government procurement-related fraud convictions would suspend them from bidding on government contracts.

I have quite a list of firms here, which I am not going to read through in its entirety, obviously; but the list, from 1988 to 1999, of several hundred convictions consists of \$1.125 billion in penalties on firms for both civil and criminal fraud in the area of procurement.

I believe that if we are talking about having the best most effective military we can have, the best weapon systems, the most cost-effective weapon systems, and having money adequate to provide training for our young men and women in uniform, we should do everything we can to squeeze fraud out of the system. Fraud is occurring, regularly occurring. Many would be shocked by the numbers and the names on this list, which is available through the Government Accounting Office.

If the gentleman's point of order prevails, I will have to offer another amendment on this subject which would provide for "one strike and you're out," which is in order and would also be retroactive. My legislation which is before us now would be

"three strikes and you're out," and it is not retroactive. So these hundreds of prior convictions would be forgiven, but the message would be sent to these defense contractors that we will no longer allow them to freely commit fraud in procurement; and if they do, the fourth time they do, they would be barred from further procurement for some period of time. The bill is not specific on the period of time for which they would be barred. There would be discretion available under existing law to the Secretary.

I cannot see how anybody could raise an argument against this. Yes, someone can make a point of order and reduce it down to one strike and make it retroactive, which would of course disbar most of our existing contractors, because many have one, two, three or more convictions for prior fraud; but I would hope that everybody here is concerned about fraud.

I believe this amendment could be crafted in a way that it would not be deleterious to our national defense. I would hope that the committee would accept the amendment and then perhaps rework it in a conference committee. I attempted to offer this amendment during the authorizing process, and I was precluded by the rule in offering a more sophisticated version of this amendment which would have dealt with a number of the questions that I am certain are going to be raised by members of the committee here. I had hoped to be able to do that during the authorizing process. I was not allowed to offer that amendment by the Committee on Rules, though it was submitted on a timely basis to the Committee on Rules.

How can anybody defend continuing fraud? We have limited resources. Some of the fraud jeopardizes the safety of our troops; some of it goes to quality; some of it goes just to ripping off the Federal taxpayers. Either way, we cannot defend it; and we should bring an end to it. So I would suggest strongly that the gentleman withdraw his point of order, accept the amendment, and if they have some problems with some of the details, certainly those details could be provided for in conference with the Senate.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes a change in existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2, rule XXI.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. DEFAZIO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized.

Mr. DEFAZIO. Mr. Chairman, the amendment does not impose any new requirements on

the Secretary of Defense or contracting officers. Therefore, it is not legislating.

According to the Federal Acquisition Regulations, FAR 9.409(a), when the contract value is expected to exceed \$25,000, contractors are required to disclose honestly, they are already required to disclose honestly, the existence of indictments, charges, convictions, or civil judgments against them in the area of procurement.

Further, the contracting officer can come back to the contractor and request specific information on the indictments, charges, convictions, or civil judgments in order to evaluate the business integrity of a contract.

This is all under existing law. My amendment is a limitation amendment that merely states if an entity, if a contractor, which again they are required to do under the FAR, admits to more than three convictions for civil or criminal fraud, then the taxpayer dollars spent by the Pentagon cannot be used to support that contractor because of their criminal behavior.

The amendment lists a number of offenses that would trigger the contract prohibition. These provisions in my amendment were taken directly from the FAR 9.406-2. So, again, there is no new legislating or authorizing going on in this amendment.

I would say that many and most all Members of this House voted for "three strikes you're out" on Federal crimes against persons or the State. I would suggest that it would be appropriate to extend that principle to the very critical area of defense.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The amendment offered by the gentleman from Oregon imposes a new burden on the Secretary of Defense by requiring him to discover the number of times an entity seeking to enter a contract with funds under this act has committed certain violations of law. While current law already imposes a duty on the Secretary to be apprised whether such violations have occurred, it does not require him to keep a tally.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI and the amendment is not in order. The point of order is sustained.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____ None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I had hoped to not be required to offer an amendment which would disbar contractors for committing criminal or civil fraud in procurement from the Federal taxpayers in doing business with the Pentagon, and do that with only one offense. I was willing to give them both the opportunity to amend their ways, that is to say, it would not be retroactive. And, secondly, that it would allow three strikes, the same thing allowed in many criminal cases against persons under Federal law.

What message are we sending here tonight if the committee objects to this amendment? We have had extensive and emotional discussion about the lack of resources for our young men and women in uniform. What message are we sending to them saying the next time a contractor provides a piece of equipment that does not meet specifications and endangers their lives, their mission, that could strand them behind enemy lines.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would just advise the gentleman that I did not reserve a point of order against this wonderful amendment that he is now presenting.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I did not say that the gentleman had. What I said is that the gentleman prevailed on his point of order against the first one, so now I must offer one that goes to one strike, which I admit is very rigorous.

But the point I am making is what message are we sending to defense contractors who have committed fraud, and the list is long and it is ongoing, according to the Government Accounting Office, if we say to them we are not going to crack down on you; keep committing fraud, fraud that endangers the lives of young men and women in the military with substandard equipment, fraud that drains precious tax dollars from the training the gentleman from California so eloquently talked about earlier, fraud that takes resources away from the American people, their tax dollars, and diverts it into the coffers that have not been earned by defense contractors? What message are we sending if we cannot crack down on fraud?

I cannot believe that Members would vote against such an amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, would this amendment apply to the allegations against the Loral Corporation and Bernard Schwartz and the technology transfer to China?

Mr. DEFAZIO. Reclaiming my time, Mr. Chairman, we have Loral down here on 12/8/89, \$1.5 million, procurement fraud. The gentleman asked about a specific firm, and I was not going to read specific firms, but Loral has one conviction in 1989. I am looking to see if there are subsequent convictions of Loral.

Oh, yes. Loral Electric Systems, DEFective pricing, 10/95, \$1.55 million. Loral only seems to have two convictions. So under my previous amendment, they would not have been barred, and I do not know if there is pending litigation against them, but many other firms would be. Although under the modified amendment, which is in order, they would be barred because they have two convictions.

So I would hope that the gentleman from California (Mr. LEWIS) would reconsider. If he has concerns about barring firms who have only one criminal fraud indictment against them, DEFrauding the American taxpayer, DEFrauding the military and jeopardizing our military security, that then he would go back and reconsider, accept the original amendment, or accept this amendment with the idea of going to 5 or 10 or 15 or 20 strikes, whatever he thinks would be necessary in the conference with the other body.

□ 1900

Personally, I think three strikes with no retroactivity having been put on notice by the \$1.2 billion of fines paid in the past would be adequate.

I would really hate to have to go and put Members on record on this vote. I think it is a very difficult vote for Members to cast. We would hear that this would hurt the defense of the country because most of our defense contractors have committed fraud at least once and been convicted of it. That is true. That is why I wanted to go with three fraud convictions.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I want to say to my friend the gentleman from Oregon (Mr. DEFAZIO) that his amendment is strongly opposed by the Defense Department because they already have the ability to deal with these issues.

Let me give my colleagues what they say. This comes over from the comp-troller:

The Department strongly opposes this provision since it would supersede the current suspension and debarment program established in the Federal Acquisition Regulation, FAR; unduly burden the procurement process; and eliminate the Department's flexibility in choosing with whom to do business.

The Department agrees that it should not do business with firms or individuals whose conduct is unethical or unlawful. To this end, the suspension and debarment system now in place protects the Government from dealing with unscrupulous contractors. It allows for individual debarment determinations based on factors, such as poor performance or violation of law, and requires due process so that exceptions, often in the form of settlement agreements, may be made when circumstances warrant.

The Department recommends that the offenses listed continue to be handled through the current FAR suspension and debarment process. Last year over 800 firms and individuals were suspended or debarred by the DOD.

Government-wide there are 5,000 firms and individuals currently suspended or debarred from doing business with the Government. The existing FAR system gives the Department the flexibility to consider mitigating factors and select an appropriate debarment period.

Potential mitigating factors include the fact that a firm is the sole source supplier of a product or service, that the offense was committed several years ago, and that the firm has taken steps to prevent a recurrence or has removed the individual responsible for the improper conduct and educated its workforce on ethics and integrity.

The FAR debarment process is well established and does not impose undue administrative burdens or absolutely prohibit doing business with critical suppliers.

The Department already has the authority to debar individuals and contractors for commission of offenses, such as the ones indicated, as well as for a general lack of business integrity or honesty.

Making debarment statutory adds nothing to the authority DOD already has and removes our ability to tailor the appropriate sanctions to individual cases.

So not only is this not necessary, the amendment of the gentleman would immediately debar almost all of the defense industry. Now, I know that he does not favor the defense industry, but getting rid of all of it at once, I think, would be overkill.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, how many strikes would the gentleman accept?

Mr. DICKS. Mr. Chairman, reclaiming my time, I cannot accept any strikes because the gentleman has not even gotten close to the plate with this amendment. So let us vote it down and move along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this time to thank the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, for their assistance in including language in this important bill concerning Beryllium illness and compensation and to make it a part of this defense appropriations measure.

The language in the bill requires the Department of Defense to report to

Congress for the first time on the incidence of Beryllium-related diseases amongst Department of Defense current and former employees, contractor employees serving during the Cold War, and vendor employees and to do so by May of next year.

This requirement is a complement to the work already undertaken by the Department of Energy, under the leadership of Secretary Richardson, the difficulty we are having in getting our executive branch to focus on those workers who are ill who have performed work related to Beryllium either in Government-run plants, such as DOE facilities, or plants that were totally 100 percent contract shops for the Department of Defense or their vendors.

The House would have considered the defense authorization bill last month included a sense of Congress resolution stating that Congress and the Federal Government has a responsibility toward people suffering from Chronic Beryllium Disease and other occupational diseases contracted while performing work related to our national security. But, of course, there was no actual compensation or medical benefits even contemplated in that particular measure.

I want to place on the RECORD, Mr. Chairman, the bill that I have introduced, H.R. 3418, that actually would authorize that compensation and medical assistance for people who served in the line of duty to this country who are dying and who are having the Government of the United States turn its back on them year after year.

Let me also state, for the RECORD, that Chronic Beryllium Disease is a horrendous illness. It is often debilitating, and it can be a fatal lung condition for a small percentage of people who worked in this industry, 2 percent. But we believe over 1,200 Americans have contracted this disease mostly by working in defense-related plants and some in energy-related facilities.

What essentially happens is that if they have the Beryllium sensitivity, their lungs begin to crystallize over a period of time and they, essentially, are strangled to death.

One of the people who was so injured was a constituent in my district, Mr. Gaylen Lemke, who first came to see me over 5 years ago to tell me about his experience. He worked in a contract shop that was on contract to the Department of Defense. Without question, he contributed his work and his life to this Nation winning the Cold War; and he suffered a slow and cruel death, as the disease slowly sapped his ability to breathe over the years.

Gaylen Lemke is as much a veteran of this country as anyone who has flown an airplane or served on a submarine, and we owe him and his survivors the kind of treatment and compensation we provide for those who have suffered in the service of our Nation, our paralyzed veterans, our disabled veterans.

I really hope that this Congress will find a way to provide the kind of com-

penetration and medical care so these families, at one of the most difficult times in their lives, do not have to worry about the compensation and medical care for the person who has done so much for the Nation.

I just again want to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Chairman LEWIS) for including the language in this bill that pushes us forward as a country to understand the true costs of freedom.

Mr. Chairman, I include for the RECORD the following time line of events on Beryllium disease and what we, as a country, have done thus far:

CHRONIC BERYLLIUM DISEASE BACKGROUND MEMORANDUM

U.S. Beryllium production

Brush Wellman, Inc. in Elmore, Ohio, is currently the only company in the country that produces beryllium, a strong, light metal. Beryllium is of strategic interest to the United States because of its unique applications in the aeronautic and aerospace fields. It is also an important component in nuclear weapons and nuclear facilities.

A former Brush facility in Luckey, Ohio, was closed in 1958, and it is currently undergoing remediation by the U.S. Army Corps of Engineers.

The Brush manufacturing facility in Elmore employs about 600 people and produces both beryllium and beryllium alloy products.

Brush mines and processes beryllium ore at its facility in Delta, Utah, and has other facilities in Pennsylvania and Arizona.

Until the mid-1990's Brush was primarily a defense dependent industry with the Department of Defense and Department of Energy being as much as 90% of its customer base. Since then, the company has made a major transition toward commercial products, and today those alloy products represent the majority of the company's production. The transition has also resulted in the expansion of the Elmore plant and increased employment there.

Kaptur legislative initiatives relating to beryllium

Defense Strategic Metals Classification and Defense Conversion: Initiatives in several Defense Authorization bills to classify beryllium and related strategic metals as a unique set of defense-related materials requiring special attention and the transition of defense-related production to commercial market applications.

Medical Research: Appropriations for scientific and medical research on prevention and treatment of chronic beryllium disease (CBD).

Victim Compensation: Compensation for the victims of CBD at both federal (H.R. 3478) and state levels.

Chronic Beryllium Disease

Chronic Beryllium Disease is a chronic, often debilitating, and sometimes fatal lung condition. A relatively small number, perhaps 10% of the general population are uniquely sensitive to exposures to beryllium. Of these, perhaps 20% (2 percent of the general population) could develop symptoms of CBD if exposed.

Several 9th District constituents, former and current Brush Wellman employees suffer from CBD. Some of them have asked for assistance on a number of issues. The most regular requests are in three areas:

Screening for beryllium sensitivity,
Improved disability benefits for people suffering from CBD,

Additional federal support for scientific research into CBD, and

A tightening of the exposure limits for persons working with beryllium.

Benefits

There is no special program, federal or state, for persons suffering from CBD, and victims are looking to the federal government for relief as virtually all persons who have contracted CBD, at least since WWII, have either worked for the federal government or for employers contracted to the federal government. They want a special federal compensation program for beryllium workers similar to the Brown Lung program for coal miners.

State Workers Compensation or Occupational Disability laws are woefully inadequate in providing compensation for CBD largely because of the latency period of the disease tends to be longer than the statute of limitations on claims.

Compensation legislation in the 106th Congress, 1st Session

H.R. 675: Introduced February 10, 1999, by Rep. Paul Kanjorski (D-PA) establishes a federal beryllium disease trust fund to provide a benefit for some former national defense workers who suffer from CBD or for their families if they are deceased:

H.R. 675 establishes the Beryllium Exposure Compensation Trust Fund in the Department of the Treasury.

The trust fund would pay a one time award of \$100,000 to persons who worked in the beryllium industry between 1930 and 1980, were exposed to significant beryllium hazards in the course of that employment, and who developed a condition known to be related to beryllium exposure.

The bill does not make any provision for funding the trust fund. The trust fund if established would be dependent on annual appropriations. That is a problem because it would establish a federal entitlement without a dedicated revenue source. It makes a promise to CBD sufferers without a guarantee that the promise will be fulfilled.

H.R. 675 provides no specific definition of covered diseases.

H.R. 675 is cosponsored by Reps. Brady, Sherrod Brown, Gilchrest, Gutierrez, Holden, Inslee, Tubbs Jones, Klink, Kucinich, Lantos, Manzullo, Pastor, Slaughter, Strickland, Tancredo, Mark Udall, and Tom Udall.

As a solution to the problem of CBD, H.R. 675 is now no longer under active consideration by the House.

H.R. 3418: Introduced by Rep. Kanjorski on November 17, 1999, on behalf of the Clinton Administration. H.R. 3418 reflected the position of the Department of Energy at the time.

H.R. 3418 establishes a federal compensation program for employees of the DOE contractors and vendors who suffer from CBD providing wage replacement benefits and medical coverage.

H.R. 3418 provides the choice of retroactive compensation for victims of CBD contracted before the bills enactment or, at the employee's option, a retroactive lump sum award of \$100,000 to cover previous lost wages and medical expenses.

H.R. 3418 does not provide benefits for contractors or vendors to the Department of Defense.

H.R. 3418 also provides for a pilot project to examine the possible relationship between workplace exposures to radiation, hazardous materials, or both and occupational illness or other adverse health conditions.

H.R. 3418 also provides a compensation program similar to the beryllium compensation program for workers exposed to radiation hazards at the Paducah, Kentucky, gaseous diffusion plant.

H.R. 3418 is cosponsored by Reps. Biggert, Brady, Sherrod Brown, DeFazio, Holden, Kaptur, Klink, Phelps, Slaughter, Thornberry, Mark Udall, Wamp, and Whitfield.

H.R. 3478: Introduced by Rep. Kaptur on November 18, 1999, provides a more comprehensive beryllium compensation bill.

H.R. 3874 authorizes a federal workers' compensation program for beryllium workers employed by the Department of Energy and the Department of Defense, their contractors and vendors who suffer from CBD.

H.R. 3874 provides for a \$200,000 lump sum retroactive payment option.

H.R. 3874 is cosponsored by Reps. Gillmor, Kanjorski, and Hansen.

H.R. 3874 does not address diseases other than those related to beryllium.

S. 1954: Introduced by Senator Jeff Bingaman (D-NM) on November 17, 1999. This bill is essentially identical to Rep. Kanjorski's H.R. 3418.

Compensation legislation in the 106th Congress, 2nd Session

H.R. 4398: Reps. Strickland and Whitfield also introduced a compensation bill on May 9, 2000.

H.R. 4398 establishes a beryllium compensation program administered by the Department of Labor under contract with the Department of Energy.

H.R. 4398 provides a \$200,000 retroactive payment option with prospective medical benefits.

H.R. 4398 establishes a similar compensation program for Department of Energy nuclear workers.

H.R. 4398 directs the Secretary of Energy to determine if similar compensation benefits should be provided to DOE contractor employees exposed to other toxic materials in the course of their work.

H.R. 4398 does not provide coverage for construction subcontractor employees at vendor plants.

S. 2514: Senators Voinovich and DeWine introduced a beryllium compensation bill, S. 2514, on May 9, 2000, which is essentially the same as the Strickland/Whitfield bill.

H.R. 4205, Defense Authorization Act for Fiscal 2001: Kaptur supported a sense of the Congress amendment on the House floor stating that Congress should act on legislation providing compensation for Department of Energy workers with beryllium disease.

Defense Appropriation Bill for Fiscal 2001: In May 2000, Kaptur secured bill language requiring the Department of Defense to report back to Congress by May 2001, on the impact of beryllium disease on DOD contractors and recommendations for compensation for these employees.

Research

The federal government had conducted research into the health effects of beryllium in the past, but by the early 1990's federal support for such research had lagged.

In the fiscal 1998 appropriations process, Rep. Kaptur raised the issue of the need for further research on CBD with Dr. Kenneth Olden, Director of the National Institute on Environmental Health Sciences (NIEHS). She suggested areas where additional research might be useful, among them:

The standardization of diagnostic criteria and clinical pathologic diagnostic modalities for CBD; and

Determination of the physical, chemical, and steric properties of beryllium in the work place to determine if the size distribution, the particle number, and/or the particle morphology are critical factors in the production of CBD in the worker.

As a result of this inquiry, Rep. Kaptur requested an increase in the appropriation for the NIEHS to be used for further research into CBD. The appropriation was increased.

On March 18, 1999, almost solely as a result of Rep. Kaptur's efforts, NIEHS, the National Heart, Lung, and Blood Institute, the National Institute of Occupational Safety and Health, and the Department of Energy announced, a major new research initiative to the mechanisms of CBD.

Exposure limits

CBD support groups have argued that the current work place exposure limits for beryllium are too high and result in an unnecessarily high incidence of CBD among beryllium workers.

The current exposure limit is 2 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), measured as an 8 hour, time weighted average.

Rep. Kaptur officially wrote to Charles Jeffress, Assistant Secretary of Labor for Occupational Safety and Health asking the status of the current review of OSHA's current beryllium exposure standard. Response received July 21, 1999, saying that OSHA is reviewing the exposure standard.

In December 1998, the Department of Energy issued a proposed rule to change the beryllium exposure limits for DOE employees to a bifurcated standard.

The new DOE standard would establish a new short-term exposure limit of $10 \mu\text{g}/\text{m}^3$ for small-scale, short-duration exposures.

And lower the 8 hour, time weighted exposure limit to $0.5 \mu\text{g}/\text{m}^3$.

The public comment period for this proposed new rule ended on March 9, 1999.

On December 8, 1999, the DOE issued a final rule, The Chronic Beryllium Disease Prevention Program for DOE facilities. The new regulation retained the $2 \mu\text{g}/\text{m}^3$ PEL but instituted a new action level of $0.5 \mu\text{g}/\text{m}^3$ at which a number of engineering and work practice precautions must be instituted.

Defense conversion and materials research

In 1994, Rep. Kaptur secured \$2 million in the fiscal 1995 Defense Appropriations bill to aid in the companies' conversion from defense-dependent companies to ones that also produce advanced products for the commercial market. Of this, Brush received a few hundred thousand dollars which helped in the development of copper-beryllium alloy products for the electronics and other high-tech industries Brush Related Defense Projects:

Because beryllium is such a critical national security resource, Rep. Kaptur has acted a number of times behalf to secure our nation's stockpile of strategic metals including beryllium. She has also worked to insure that important national defense research development projects related to beryllium and other aerospace metals are funded.

In May, 1995, Rep. Kaptur requested authorization of \$25 million from Subcommittee on Military Research and Development for the continued development of advanced strategic aerospace metals and other lightweight structural materials as a unique subset of the strategic materials reserve. She also requested a \$20 million appropriation for this same purpose for fiscal 1996.

Aerospace Metals Affordability Consortium: In 1998, Rep. Kaptur secured in the fiscal 1999 Defense Appropriations bill \$5 million to initiate this applied research project to meet the national security need for advances in special aerospace metals and metal alloys for aircraft and space vehicle structures, propulsion, components, and weapon systems. Ohio firms are leading participants. The Consortium is funded through and directed by the Air Force Research Laboratory at Wright Patterson AFB in Dayton. For fiscal 2000 she secured an additional \$5 million for the Consortium, and for fiscal 2001, she secured \$15 million to continue the Consortium's work. Authorizing language for the Aerospace Metals Affordability Consortium

was included in the fiscal 2001 Defense Authorization bill.

National Defense Strategic Metals Stockpile: Because beryllium is an important national security resource, Rep. Kaptur has on different occasions written to the Armed Services Committee and to the Pentagon on strategic stockpile issues.

In May 1997, for instance, she wrote to the Pentagon in the spring of 1997 regarding the potential sale of beryllium and beryllium-copper alloy from the National Defense Stockpile. The DOD responded that such sales were not being contemplated at that time.

Luckey FUSRAP site

Brush Beryllium, the predecessor company to Brush Wellman, operated a plant in Luckey, Ohio, as a beryllium production facility under contract with the Department of Energy between 1949 and 1958.

The site has been included in the Formerly Utilized Site Remedial Action Program (FUSRAP) currently under the direction of the Army Corps of Engineers. A preliminary radiological survey at the site showed that several areas contain radiation, primarily from radium, in excess of applicable guidelines. In addition, beryllium concentrations in the soil at the site are well above background levels.

The Corps is presently conducting an assessment of the project's scope. The site is scheduled to be remediated by 2005.

AMENDMENT NO. 11 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SANDERS:

At the end of title VIII (page 116, after line 22) insert the following new section:

SEC. ____ GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR. (a) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—Of the amounts made available in this Act for research, development, test, and evaluation, the Secretary of Defense is authorized to make a grant in the amount of \$1,650,000 to a medical research institution for the purpose of initial construction and equipping of a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(b) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution must meet each of the following requirements:

(1) Be an academic medical center and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel

may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(c) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (a) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(d) REPORTS TO CONGRESS.—Not later than October 1, 2002, and annually thereafter for the period that research described in subsection (a) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

Mr. SANDERS. Mr. Chairman, I have an amendment at the desk which in a moment I am going to ask unanimous consent to withdraw.

I have spoken to leading members of the committee and to their staff, and I have received assurance that this very important matter will, in fact, be taken care of later on during the process; and I am happy to accept their assurances. I would, however, like to take just a moment to raise the issue of what this amendment is about.

Mr. Chairman, since 1993, there has been a bipartisan consensus in the House that the establishment of an environmental medical unit and research into multiple chemical sensitivity is one of the most promising areas in terms of understanding and treating Gulf War illness.

In fact, in the fiscal year 1994 Department of Defense appropriations bill, this House approved money to begin construction of that unit. Unfortunately, that funding was greatly reduced in the subsequent conference committee and the Department of Defense chose to ignore the report language supporting the establishment of that project.

In other words, 6 years later, and after all of the suffering and pain associated with Gulf War illness, we still have not been able to build a relatively inexpensive unit that could give us key information about the causes and possible treatment of Gulf War illness. And, frankly, this is unacceptable.

Mr. Chairman, I will be submitting to the committee a letter to the Honor-

able Jesse Brown, who was then Secretary of Defense of Veterans Affairs, dated November 19, 1993. This bipartisan letter, which was signed by Sonny Montgomery, the gentleman from Arizona (Mr. STUMP), Roy Roland, the gentleman from New Jersey (Mr. SMITH) and Frank Tejeda, Democrats and Republicans, asks for that money to build this environmental medical unit.

The question is how many years do we have to wait before this very important project is undertaken?

Mr. Chairman, as I have indicated, this process has dragged on for too many years. Gulf War illness is a tragedy. It affects close to 100,000 Americans. The gentleman from Connecticut (Mr. SHAYS), who is chairman of the relevant subcommittee has done a terrific job. I have worked with him in trying to bring forth witnesses who can give us the information about Gulf War illness.

There is widespread belief that multiple chemical sensitivity is one of the causes of Gulf War illness. This unit will go a long way in allowing us to understand the relationship of multiple chemical sensitivity and Gulf War illness.

I ask for unanimous consent, Mr. Chairman, to withdraw this amendment. And I believe that I have assurances from both the chairman and the ranking member that we are going to proceed on this.

The CHAIRMAN. Does the gentleman from Vermont (Mr. SANDERS) withdraw his amendment?

Mr. SANDERS. Yes, Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to have the House know that this was the end of the first session in which Dave Killian has provided a leadership role on the other side of the aisle. He is a very able member of the Committee on Appropriations staff and worked with us for many, many years. I want to express our appreciation for his efforts this year, as well to express my appreciation for all of the staff on both sides of the aisle, and in particular Kevin Roper, who is my staff director, but especially to Betsy Phillips, who has been here all day on her birthday.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

Mr. DICKS. Mr. Chairman, I rise to thank the Chairman for his efforts to address the serious problem of toxic waste remaining on the island of Bermuda and submit, on behalf of myself and the gentleman from New Jersey, Mr. FRELINGHUYSEN, for insertion in the RECORD, two letters to the chairman on this issue, one from the Premier of Bermuda and one from the British Ambassador, as well as a letter the Chairman wrote to the Secretary of the Navy on this topic.

HAMILTON, BERMUDA,
May 29, 2000.

Hon. JERRY LEWIS,

Chairman, Subcommittee on Defense, House Appropriations Committee, Washington, DC.

DEAR MR. CHAIRMAN, I have been advised that the House Appropriations Committee is now considering report language that would require the U.S. Department of Defense to work with the Governments of Bermuda and the United Kingdom on a resolution of the Bermuda base lands clean-up issue.

In this connection, the Navy has on several occasions stated that Bermuda agreed to accept the reversion of the former Navy properties in Bermuda in an "as is" condition. I wish to advise you unequivocally that this is not the case. Bermuda has consistently expressed its concern directly to the U.S. Navy about the contaminated condition of the base lands and has never agreed to accept the property in its contaminated state. As Ambassador Meyer reaffirmed during his visit with the Subcommittee recently, the British Embassy has also consistently supported Bermuda's position in this matter.

Immediately following notification that the properties would be returned, Bermuda expended more than \$1.5 million on three separate environmental assessments of the base lands. The assessments showed that leaks from the Navy's storage tanks had created major free product plumes that are threatening Bermuda's groundwater supplies. The assessment also showed that sludge and raw sewage at the bottom of Bassett's Cave and more than 400 tons of friable asbestos are posing significant health risks to Bermuda's population. Bermuda promptly turned over all such studies to the Navy.

On the 14th of December 1994, some eight months before the bases were closed, Bermuda submitted a formal position paper to Captain Tim Bryan, Commanding Officer of the Bermuda Naval Air Station. The paper detailed the environmental problems at the base lands and communicated the view that the U.S. should bear full responsibility for the contamination and environmental problems at the U.S. base lands. In a subsequent position paper dated 17th May 1995, three months before closure, Bermuda formally notified the Navy that it would not accept the U.S. position concerning abandonment of the bases, and that "the U.S. has moral and political obligation for clean-up". The Bermuda notification also stated that "Bermuda has formally advised the U.S. Navy on two occasions that the contamination constitutes an unacceptable imminent risk to citizens, residents and visitors to Bermuda".

You will find attached for ease of reference Bermuda's position papers of 14th December 1994 and 17th May 1995. I hope this information is helpful to you. This matter has now been protracted over nearly five years without a satisfactory resolution. I have attached also two recent articles from Bermuda's newspapers that show just how much this issue continues to be a matter of major concern in Bermuda.

We very much hope that your Committee will initiate a process that can lead to a sat-

isfactory resolution of this matter without further delay. As always, we are very grateful for your continuing interest in this issue.

Yours sincerely,

THE HON. C. EUGENE COX, JP, MP.,
Acting Premier.

BRITISH EMBASSY,
Washington, DC, May 1, 2000.

Hon. JERRY LEWIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN, I understand that the House Appropriations Sub-Committee on Defense, which you chair, will soon be completing consideration of the Defense Department's Appropriations Bill for Fiscal Year 2001, including the issue of the environmental clean-up of the former U.S. military baselands in Bermuda, which closed in 1995. I am writing to confirm that the British Government have always backed Bermuda's claim. This letter sets out why we believe the U.S. has both a moral and legal responsibility to clean up the environmental damage at the sites.

EXTENT OF ENVIRONMENTAL DAMAGE

A number of studies by experienced U.S. and Canadian firms have revealed extensive environmental damage at the bases. The main concerns are:

Serious soil and groundwater pollution caused by leaking fuel storage tanks improperly closed when the bases ceased operating;

Bassett's Cave, in which the U.S. Navy disposed of raw sewage and industrial wastes. There is now a layer of sludge two to five feet thick, containing numerous toxic substances;

Asbestos: approximately 70% of the abandoned U.S. buildings contain asbestos, 25% of which is crumbling, and thus particularly hazardous.

I enclose a paper setting out the damage in more detail (Annex A), and a paper challenging (i) the U.S. Navy's assertions that Bermudian claims are exaggerated, and (ii) the extent of the U.S. remedial efforts before departure (Annex B).

LEGAL POSITION

The U.S. Government have argued that there is no legal requirement for additional clean-up. We disagree. We believe that the reference in the 1941 Agreement to the "spirit of good neighborliness", as well as its character as a lease, imply a requirement that the lessee, the U.S., would return the leased areas in a good physical condition, in accordance with common law. Moreover, under customary international law, and the "polluter pays" principle to which the U.S. subscribes, States have a general obligation to ensure that their activities do not damage other States' environment.

We do not accept the U.S. Government's view that it is entitled to compensation for the residual value of the facilities which were left behind on closure. The 1941 Agreement makes no provision for this. Nor under common law is a lessor liable to his lessee for improvements voluntarily made by the lessee. In fact, the Bermudians will need to spend a lot of money to turn the abandoned bases into useful assets.

The third enclosed paper (Annex C) sets out in more detail the legal position on environmental damage, and on the separate but related issue of the U.S. obligation to maintain Longbird Bridge.

THE CANADIAN PRECEDENT

The bases were established under the 1941 U.S./UK Leased Bases Agreement. This agreement also applied to certain bases in Canada. When these were closed, the U.S. Congress did agree, in October 1998, to compensation, citing the unique and long-

standing national security alliance between the U.S. and Canada, and the fact that the sites were used by the U.S. and Canada for their mutual defense. We believe that the same arguments apply at least as strongly to Bermuda in light of the uniquely close U.S./UK defence relationship. In the Canadian case, Congress also cited the substantial risk which environmental contamination could pose to the health and safety of U.S. citizens also applies in the case of Bermuda, which 463,000 U.S. citizens visited last year and where 4,600 U.S. nationals have homes.

Although we believe that the Canadian case does provide a precedent for Bermuda, we do not believe that clean-up in Bermuda need create a precedent which might be used against the U.S. in relation to bases elsewhere in the world, given the limited territorial scope of the 1941 Leased Bases agreement.

I hope that this information is helpful, and would welcome your views on the best way to advance this issue. I would be happy to brief you and your colleague on the Defence Sub-Committee on Appropriations, to whom I am copying this letter, in more detail if you felt this would be useful. I could accompany my briefing with a short video highlighting the extent of the contamination on the island.

Sincerely,

CHRISTOPHER MEYER.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 25, 2000.

Hon. RICHARD J. DANZIG,
Secretary of the Navy,
Washington, DC.

DEAR SECRETARY DANZIG: On May 4, 2000, the British Ambassador, Sir Christopher Meyer, met with several members of the Defense Appropriations Subcommittee to explain the British Government's strong support for Bermuda and its interest in seeing the Bermuda base cleanup issue resolved promptly.

As we had not yet had an opportunity to discuss this issue with you, the Committee chose not to include any directive language regarding environmental cleanup at Bermuda in the fiscal year 2001 Department of Defense Appropriations bill that we have just reported out of Committee. It is our intention, however, to revisit this issue during conference committee deliberations with the Senate.

I understand from a previous Navy report to the Committee, forwarded on February 11, 1998, that it is the Navy's position that "the United States is under no legal obligation to remediate environmental contamination at its former bases in Bermuda". However, I am concerned that this issue could become a serious irritant between the U.S., the U.K. and Bermuda if it is not resolved soon. I therefore request that you look into this issue to determine what options you have at your disposal and what recommendations you would make to reach a satisfactory resolution of this issue.

Sincerely,

JERRY LEWIS,
Chairman, Defense Subcommittee.

The CHAIRMAN. The Clerk will read the remainder of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 2001".

□ 1915

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr.

CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 514, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). As indicated by the bells, the next series of votes will be 5 minutes each.

The vote was taken by electronic device, and there were—yeas 367, nays 58, not voting 9, as follows:

[Roll No. 241]

YEAS—367

Abercrombie	Chambliss	Gejdenson
Ackerman	Chenoweth-Hage	Gekas
Aderholt	Clay	Gephardt
Allen	Clayton	Gibbons
Andrews	Clement	Gilchrest
Archer	Clyburn	Gillmor
Armey	Coble	Gilman
Baca	Coburn	Gonzalez
Bachus	Collins	Goode
Baird	Combest	Goodlatte
Baker	Condit	Goodling
Baldacci	Cook	Gordon
Ballenger	Cooksey	Goss
Barcia	Costello	Graham
Barr	Cox	Granger
Barrett (NE)	Cramer	Green (TX)
Bartlett	Crane	Green (WI)
Barton	Crowley	Gutknecht
Bass	Cubin	Hall (OH)
Bateman	Cummings	Hall (TX)
Becerra	Cunningham	Hansen
Bentsen	Davis (FL)	Hastings (FL)
Bereuter	Davis (VA)	Hastings (WA)
Berkley	Deal	Hayes
Berman	DeLauro	Hayworth
Berry	DeLay	Hefley
Biggart	DeMint	Herger
Bilbray	Deutsch	Hill (IN)
Bilirakis	Diaz-Balart	Hill (MT)
Bishop	Dickey	Hilleary
Blagojevich	Dicks	Hilliard
Bliley	Dingell	Hinojosa
Blunt	Dixon	Hobson
Boehlert	Dooley	Hoefel
Boehner	Doolittle	Hoekstra
Bonilla	Doyle	Holden
Bonior	Dreier	Holt
Bono	Duncan	Horn
Borski	Dunn	Hostettler
Boswell	Edwards	Hoyer
Boucher	Ehrlich	Hulshof
Boyd	Emerson	Hunter
Brady (PA)	Engel	Hutchinson
Brady (TX)	English	Hyde
Brown (FL)	Etheridge	Inslee
Bryant	Evans	Isakson
Burr	Everett	Jackson-Lee
Burton	Ewing	(TX)
Buyer	Farr	Jefferson
Callahan	Fletcher	Jenkins
Calvert	Foley	John
Camp	Forbes	Johnson (CT)
Canady	Ford	Johnson, E.B.
Cannon	Fossella	Johnson, Sam
Capps	Fowler	Jones (NC)
Cardin	Franks (NJ)	Jones (OH)
Carson	Frelinghuysen	Kanjorski
Castle	Frost	Kaptur
Chabot	Galgely	Kasich

Kelly	Napolitano	Shows
Kennedy	Neal	Shuster
Kildee	Nethercutt	Simpson
Kilpatrick	Ney	Sisisky
King (NY)	Northup	Skeen
Kingston	Norwood	Skelton
Klecza	Nussle	Slaughter
Klink	Oliver	Smith (NJ)
Knollenberg	Ortiz	Smith (TX)
Kolbe	Ose	Smith (WA)
Kuykendall	Oxley	Snyder
LaFalce	Packard	Souder
LaHood	Pallone	Spence
Lampson	Pascarell	Spratt
Lantos	Pastor	Stabenow
Largent	Pease	Stearns
Larson	Pelosi	Stenholm
Latham	Peterson (PA)	Strickland
LaTourette	Petri	Stump
Lazio	Phelps	Stupak
Leach	Pickering	Sununu
Levin	Pickett	Sweeney
Lewis (CA)	Pitts	Talent
Lewis (GA)	Pombo	Tancredo
Lewis (KY)	Pomeroy	Tanner
Linder	Porter	Tauscher
Lipinski	Portman	Tauzin
LoBiondo	Price (NC)	Taylor (MS)
Lowe	Pryce (OH)	Taylor (NC)
Lucas (KY)	Quinn	Terry
Lucas (OK)	Radanovich	Thomas
Maloney (CT)	Rahall	Thompson (CA)
Maloney (NY)	Regula	Thompson (MS)
Manzullo	Reyes	Thornberry
Martinez	Reynolds	Thune
Mascara	Riley	Thurman
Matsui	Rodriguez	Tiahrt
McCarthy (MO)	Roemer	Toomey
McCarthy (NY)	Rogan	Trafigant
McCollum	Rogers	Turner
McCrery	Rohrabacher	Udall (NM)
McHugh	Ros-Lehtinen	Upton
McIntosh	Rothman	Visclosky
McIntyre	Roukema	Vitter
McKeon	Roybal-Allard	Walden
McNulty	Royce	Walsh
Meehan	Rush	Wamp
Meek (FL)	Ryan (WI)	Waters
Menendez	Ryun (KS)	Watkins
Metcalfe	Sabo	Watts (OK)
Mica	Salmon	Weldon (FL)
Millender-	Sanchez	Weldon (PA)
McDonald	Sandlin	Weller
Miller (FL)	Sawyer	Wexler
Miller, Gary	Saxton	Weygand
Mink	Scarborough	Whitfield
Moakley	Schaffer	Wicker
Mollohan	Scott	Wilson
Moore	Sessions	Wolf
Moran (KS)	Shadegg	Woolsey
Moran (VA)	Shaw	Wu
Morella	Sherman	Wynn
Murtha	Sherwood	Young (AK)
Myrick	Shimkus	Young (FL)

NAYS—58

Baldwin	Hinchey	Peterson (MN)
Barrett (WI)	Hooley	Ramstad
Blumenauer	Jackson (IL)	Rangel
Brown (OH)	Kind (WI)	Rivers
Campbell	Kucinich	Sanders
Capuano	Lee	Sanford
Conyers	Lofgren	Schakowsky
Coyne	Luther	Sensenbrenner
Davis (IL)	McDermott	Serrano
DeFazio	McGovern	Shays
DeGette	McKinney	Stark
Delahunt	Meeks (NY)	Tierney
Doggett	Miller, George	Towns
Ehlers	Minge	Udall (CO)
Eshoo	Nadler	Velazquez
Fattah	Oberstar	Watt (NC)
Finler	Obey	Waxman
Frank (MA)	Owens	Weiner
Ganske	Paul	
Gutierrez	Payne	

NOT VOTING—9

Danner	Istook	Smith (MI)
Greenwood	Markey	Vento
Houghton	McInnis	Wise

□ 1936

Messrs. RANGEL, TOWNS and BROWN of Ohio changed their vote from “yea” to “nay.”

Mr. WYNN and Mr. METCALF changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider is laid on the table.

Stated for:

Mr. ISTOOK. Mr. Speaker, on rollcall No. 241, I was unavoidably detained. Had I been present, I would have voted “yea.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair will now put the question on the each motion to suspend the rules on which further proceedings were postponed on Tuesday, June 6, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 291, by the yeas and nays;

S. 356, by the yeas and nays;

H.R. 4435, by the yeas and nays; and H.R. 3176, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 291.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 291, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 242]

YEAS—422

Abercrombie	Berry	Calvert
Ackerman	Biggart	Camp
Aderholt	Bilbray	Campbell
Allen	Bilirakis	Canady
Andrews	Bishop	Cannon
Archer	Blagojevich	Capps
Armey	Bliley	Capuano
Baca	Blumenauer	Cardin
Bachus	Blunt	Carson
Baird	Boehlert	Castle
Baker	Boehner	Chabot
Baldacci	Bonilla	Chambliss
Baldwin	Bonior	Chenoweth-Hage
Ballenger	Bono	Clay
Barcia	Borski	Clayton
Barr	Boswell	Clement
Barrett (NE)	Boucher	Clyburn
Barrett (WI)	Boyd	Coble
Bartlett	Brady (PA)	Coburn
Barton	Brady (TX)	Collins
Bass	Brown (FL)	Combest
Bateman	Brown (OH)	Condit
Becerra	Bryant	Conyers
Bentsen	Burr	Cook
Bereuter	Burton	Cooksey
Berkley	Buyer	Costello
Berman	Callahan	Cox

Coyne	Hyde	Nussle	Tauscher	Turner	Weldon (FL)	Doolittle	Kingston	Pombo
Cramer	Inslee	Oberstar	Tauzin	Udall (CO)	Weldon (PA)	Doyle	Klecza	Pomeroy
Crane	Isakson	Obey	Taylor (MS)	Udall (NM)	Weller	Dreier	Klink	Porter
Crowley	Jackson (IL)	Olver	Taylor (NC)	Upton	Wexler	Duncan	Knollenberg	Portman
Cubin	Jackson-Lee	Ortiz	Terry	Velazquez	Weygand	Dunn	Kolbe	Price (NC)
Cummings	(TX)	Ose	Thomas	Visclosky	Whitfield	Edwards	Kucinich	Pryce (OH)
Davis (FL)	Jefferson	Owens	Thompson (CA)	Vitter	Wicker	Ehlers	Kuykendall	Quinn
Davis (IL)	Jenkins	Oxley	Thompson (MS)	Walden	Wilson	Ehrlich	LaFalce	Radanovich
Davis (VA)	John	Packard	Thornberry	Walsh	Wolf	Emerson	LaHood	Rahall
Deal	Johnson (CT)	Pallone	Thune	Wamp	Woolsey	Engel	Lampson	Ramstad
DeFazio	Johnson, E. B.	Pascrell	Thurman	Waters	Wu	English	Lantos	Rangel
DeGette	Johnson, Sam	Pastor	Tiahrt	Watkins	Wynn	Eshoo	Largent	Regula
Delahunt	Jones (NC)	Paul	Tierney	Watt (NC)	Young (AK)	Etheridge	Larson	Reyes
DeLauro	Jones (OH)	Payne	Toomey	Watts (OK)	Young (FL)	Evans	Latham	Reynolds
DeLay	Kanjorski	Pease	Towns	Waxman		Everett	LaTourette	Riley
DeMint	Kaptur	Pelosi	Traficant	Weiner		Ewing	Lazio	Rivers
Deutsch	Kasich	Peterson (MN)				Farr	Leach	Rodriguez
Diaz-Balart	Kelly	Peterson (PA)				Fattah	Lee	Roemer
Dickey	Kennedy	Petri	Cunningham	Greenwood	McGovern	Filner	Levin	Rogan
Dicks	Kildee	Phelps	Danner	Houghton	Smith (MI)	Fletcher	Lewis (CA)	Rogers
Dingell	Kilpatrick	Pickering	Gephardt	Istook	Vento	Foley	Lewis (GA)	Rohrabacher
Dixon	Kind (WI)	Pickett	Gilchrest	Markay	Wise	Forbes	Linder	Ros-Lehtinen
Doggett	King (NY)	Pitts				Ford	Lipinski	Rothman
Dooley	Kingston	Pombo				Fossella	LoBiondo	Roukema
Doolittle	Klecza	Pomeroy				Fowler	Lofgren	Royal-Allard
Doyle	Klink	Porter				Frank (MA)	Lowey	Royce
Dreier	Knollenberg	Portman				Franks (NJ)	Lucas (KY)	Rush
Duncan	Kolbe	Price (NC)				Frelinghuysen	Lucas (OK)	Ryan (WI)
Dunn	Kucinich	Pryce (OH)				Frost	Luther	Ryun (KS)
Edwards	Kuykendall	Quinn				Gallely	Maloney (CT)	Sabo
Ehlers	LaFalce	Radanovich				Ganske	Maloney (NY)	Salmon
Ehrlich	LaHood	Rahall				Gejdenson	Manzullo	Sanchez
Emerson	Lampson	Ramstad				Gekas	Martinez	Sanders
Engel	Lantos	Rangel				Gibbons	Mascara	Sandlin
English	Largent	Regula				Gilchrest	Matsui	Sanford
Eshoo	Larson	Reyes				Gillmor	McCarthy (MO)	Sawyer
Etheridge	Latham	Reynolds				Gilman	McCarthy (NY)	Saxton
Evans	LaTourette	Riley				Gonzalez	McCollum	Scarborough
Everett	Lazio	Rivers				Goode	McCrery	Schaffer
Ewing	Leach	Rodriguez				Goodlatte	McDermott	Schakowsky
Farr	Lee	Roemer				Goodling	McGovern	Scott
Fattah	Levin	Rogan				Gordon	McHugh	Sensenbrenner
Filner	Lewis (CA)	Rogers				Goss	McInnis	Serrano
Fletcher	Lewis (GA)	Rohrabacher				Graham	McIntosh	Sessions
Foley	Lewis (KY)	Ros-Lehtinen				Granger	McIntyre	Shadegg
Forbes	Linder	Rothman				Green (TX)	McKeon	Shaw
Ford	Lipinski	Roukema				Green (WI)	McKinney	Shays
Fossella	LoBiondo	Royal-Allard				Gutierrez	McNulty	Sherman
Fowler	Lofgren	Royce				Gutknecht	Meehan	Sherwood
Frank (MA)	Lowey	Rush				Hall (OH)	Meek (FL)	Shinkus
Franks (NJ)	Lucas (KY)	Ryan (WI)				Hall (TX)	Meeks (NY)	Shows
Frelinghuysen	Lucas (OK)	Ryun (KS)				Hansen	Menendez	Shuster
Frost	Luther	Sabo				Hastings (FL)	Metcalf	Simpson
Gallely	Maloney (CT)	Salmon				Hastings (WA)	Mica	Sisisky
Ganske	Maloney (NY)	Sanchez				Hayes	Millender-	Skeen
Gejdenson	Manzullo	Sanders				Hayworth	McDonald	Skelton
Gekas	Martinez	Sandlin				Hefley	Miller (FL)	Slaughter
Gibbons	Mascara	Sanford				Herger	Miller, Gary	Smith (NJ)
Gillmor	Matsui	Sawyer				Hill (IN)	Miller, George	Smith (TX)
Gilman	McCarthy (MO)	Saxton				Hill (MT)	Minge	Smith (WA)
Gonzalez	McCarthy (NY)	Scarborough				Hilleary	Mink	Snyder
Goode	McCollum	Schaffer				Hilliard	Moakley	Souder
Goodlatte	McCrery	Schakowsky				Hinchey	Mollohan	Spence
Goodling	McDermott	Scott				Hinojosa	Moore	Spratt
Gordon	McHugh	Sensenbrenner				Hobson	Moran (KS)	Stabenow
Goss	McInnis	Serrano				Hoefel	Moran (VA)	Stark
Graham	McIntosh	Sessions				Hoekstra	Morella	Stearns
Granger	McIntyre	Shadegg				Holden	Murtha	Stenholm
Green (TX)	McKeon	Shaw				Holt	Myrick	Strickland
Green (WI)	McKinney	Shays				Hooley	Nadler	Stump
Gutierrez	McNulty	Sherman				Horn	Napolitano	Stupak
Gutknecht	Meehan	Sherwood				Hostettler	Neal	Sununu
Hall (OH)	Meek (FL)	Shinkus				Hoyer	Nethercutt	Sweeney
Hall (TX)	Meeks (NY)	Shows				Hulshof	Ney	Talent
Hansen	Menendez	Shuster				Hunter	Northup	Tancred
Hastings (FL)	Metcalf	Simpson				Hutchinson	Norwood	Tanner
Hastings (WA)	Mica	Sisisky				Hyde	Nussle	Tauscher
Hayes	Millender-	Skeen				Inslee	Oberstar	Tauzin
Hayworth	McDonald	Skelton				Isakson	Obey	Taylor (MS)
Hefley	Miller (FL)	Slaughter				Jackson (IL)	Olver	Taylor (NC)
Herger	Miller, Gary	Smith (NJ)				Jackson-Lee	Ortiz	Terry
Hill (IN)	Miller, George	Smith (TX)				(TX)	Ose	Thomas
Hill (MT)	Minge	Smith (WA)				Jefferson	Owens	Thompson (CA)
Hilleary	Mink	Snyder				Jenkins	Oxley	Thompson (MS)
Hilliard	Moakley	Souder				John	Packard	Thornberry
Hinchey	Mollohan	Spence				Johnson (CT)	Pallone	Thune
Hinojosa	Moore	Spratt				Johnson, E. B.	Pascrell	Thurman
Hobson	Moran (KS)	Stabenow				Johnson, Sam	Pastor	Tiahrt
Hoefel	Moran (VA)	Stark				Jones (NC)	Paul	Tierney
Hoekstra	Morella	Stearns				DeLauro	Payne	Toomey
Holden	Murtha	Stenholm				DeLay	Pease	Towns
Holt	Myrick	Strickland				DeMint	Pelosi	Traficant
Hooley	Nadler	Stump				DeMint	Peterson (MN)	Turner
Horn	Napolitano	Stupak				Deutsch	Peterson (PA)	Udall (CO)
Hostettler	Neal	Sununu				Diaz-Balart	Kelly	Udall (NM)
Hoyer	Nethercutt	Sweeney				Dickey	Kennedy	Petri
Hulshof	Ney	Tancred				Dicks	Kildee	Phelps
Hunter	Northup	Tanner				Dingell	Pickering	Pickett
Hutchinson	Norwood					Dixon	Pickett	Pitts
						Doggett	Riley	Rivers
						Dooley	Rodriguez	Rogers
							Rohrabacher	Ros-Lehtinen
							Rothman	Roukema
							Royal-Allard	Royce
							Rush	Ryan (WI)
							Ryun (KS)	Sabo
							Salmon	Sanchez
							Sanders	Sandlin
							Sanford	Sawyer
							Saxton	Scarborough
							Schaffer	Schakowsky
							Scott	Sensenbrenner
							Serrano	Sessions
							Shadegg	Shaw
							Shays	Shinkus
							Sherman	Sherwood
							Shuster	Shows
							Simpson	Sisisky
							Skeen	Skelton
							Slaughter	Smith (NJ)
							Smith (TX)	Smith (WA)
							Snyder	Souder
							Spence	Spence
							Spratt	Spratt
							Stabenow	Stabenow
							Stark	Stark
							Stearns	Stearns
							Stenholm	Stenholm
							Strickland	Strickland
							Stump	Stump
							Stupak	Stupak
							Sununu	Sununu
							Sweeney	Sweeney
							Talent	Talent
							Tancred	Tancred
							Tanner	Tanner
							Turner	Turner
							Udall (CO)	Udall (NM)
							Petri	Upton
							Phelps	Velazquez
							Pickering	Visclosky
							Pickett	Vitter
							Pitts	

NOT VOTING—12

□ 1945

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELLTON-MOHAWK TRANSFER ACT

The SPEAKER pro tempore (Mr. GUTKNECHT). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 356.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 356, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 243]

YEAS—423

Abercrombie	Boehlert	Coble
Ackerman	Boehner	Coburn
Boniolla	Bonilla	Collins
Bonior	Bonior	Combest
Bono	Bono	Condit
Borski	Borski	Conyers
Boswell	Boswell	Cook
Boucher	Boucher	Cooksey
Boyd	Boyd	Costello
Brady (PA)	Brady (PA)	Cox
Brady (TX)	Brady (TX)	Coyne
Brown (FL)	Brown (FL)	Cramer
Brown (OH)	Brown (OH)	Crane
Bryant	Bryant	Crowley
Burr	Burr	Cubin
Burton	Burton	Cummings
Buyer	Buyer	Cunningham
Callahan	Callahan	Davis (FL)
Calvert	Calvert	Davis (IL)
Camp	Camp	Davis (VA)
Campbell	Campbell	Deal
Canady	Canady	DeFazio
Cannon	Cannon	DeGette
Capps	Capps	Delahunt
Capuano	Capuano	DeLauro
Cardin	Cardin	DeLay
Carson	Carson	DeMint
Castle	Castle	Deutsch
Chabot	Chabot	Diaz-Balart
Chambliss	Chambliss	Dickey
Chenoweth-Hage	Chenoweth-Hage	Dicks
Clay	Clay	Dingell
Clayton	Clayton	Dixon
Clement	Clement	Doggett
Clyburn	Clyburn	Dooley

Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman

Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker

Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Archer
Danner
Gephardt
Greenwood

Houghton
Istook
Lewis (KY)
Markey

Smith (MI)
Vento
Wise

□ 1953

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLARIFYING CERTAIN BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4435, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4435, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 12, as follows:

[Roll No. 244]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd

Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combust
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)

Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)

Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo

Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalfe
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascarell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman

Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadeegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Blumenauer

NOT VOTING—12

Archer
Clay
Danner
Gephardt

Greenwood
Houghton
Istook
Markey

Sisisky
Smith (MI)
Vento
Wise

□ 2000

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

“A bill to clarify certain boundaries on the map relating to Unit NC-01 of the Coastal Barrier Resources System.”

A motion to reconsider was laid on the table.

DIRECTING A STUDY TO RESTORE KEALIA POND WILDLIFE REFUGE, HAWAII

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3176.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3176, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 14, not voting 14, as follows:

[Roll No. 245]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher

Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combust
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)

Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen

Frost	Lofgren	Ros-Lehtinen
Gallegly	Lowey	Rothman
Ganske	Lucas (KY)	Roukema
Gejdenson	Lucas (OK)	Roybal-Allard
Gekas	Luther	Rush
Gibbons	Maloney (CT)	Ryan (WI)
Gilchrest	Maloney (NY)	Ryun (KS)
Gillmor	Manzullo	Sabo
Gilman	Martinez	Salmon
Gonzalez	Mascara	Sanchez
Goode	Matsui	Sanders
Goodlatte	McCarthy (MO)	Sandlin
Goodling	McCarthy (NY)	Sawyer
Gordon	McCollum	Saxton
Goss	McCrery	Scarborough
Graham	McDermott	Schakowsky
Granger	McGovern	Scott
Green (TX)	McHugh	Serrano
Green (WI)	McInnis	Sessions
Gutierrez	McIntosh	Shadegg
Gutknecht	McIntyre	Shaw
Hall (OH)	McKeon	Shays
Hall (TX)	McKinney	Sherman
Hansen	McNulty	Sherwood
Hastings (FL)	Meehan	Shimkus
Hastings (WA)	Meek (FL)	Shows
Hayes	Meeks (NY)	Shuster
Hayworth	Menendez	Simpson
Hefley	Metcalf	Skeen
Herger	Mica	Skelton
Hill (IN)	Millender-	Slaughter
Hill (MT)	McDonald	Smith (NJ)
Hilleary	Miller (FL)	Smith (TX)
Hilliard	Miller, Gary	Smith (WA)
Hinchey	Miller, George	Snyder
Hinojosa	Minge	Souder
Hobson	Mink	Spence
Hoeffel	Moakley	Spratt
Hoekstra	Mollohan	Stabenow
Holden	Moore	Stark
Holt	Moran (KS)	Stenholm
Hooley	Moran (VA)	Strickland
Horn	Morella	Stump
Hostettler	Murtha	Stupak
Hoyer	Myrick	Sununu
Hulshof	Nadler	Sweeney
Hunter	Napolitano	Talent
Hutchinson	Neal	Tancred
Hyde	Nethercutt	Tanner
Inlee	Ney	Tauscher
Isakson	Northup	Tauzin
Jackson (IL)	Norwood	Taylor (MS)
Jackson-Lee	(TX)	Taylor (NC)
	Oberstar	Terry
Jenkins	Obey	Thomas
John	Olver	Thompson (CA)
Johnson (CT)	Ortiz	Thompson (MS)
Johnson, E. B.	Ose	Thornberry
Jones (NC)	Owens	Thune
Jones (OH)	Oxley	Thurman
Kanjorski	Packard	Tierney
Kaptur	Pallone	Toomey
Kasich	Pascarell	Towns
Kelly	Pastor	Traficant
Kennedy	Payne	Turner
Kildee	Pease	Udall (CO)
Kilpatrick	Pelosi	Udall (NM)
Kind (WI)	Peterson (MN)	Upton
King (NY)	Peterson (PA)	Velazquez
Kingston	Petri	Visclosky
Klecza	Phelps	Vitter
Klink	Pickering	Walden
Knollenberg	Pickett	Walsh
Kolbe	Pitts	Wamp
Kucinich	Pomeroy	Waters
Kuykendall	Porter	Watkins
LaFalce	Portman	Watt (NC)
LaHood	Price (NC)	Watts (OK)
Lampson	Pryce (OH)	Waxman
Lantos	Quinn	Weiner
Largent	Radanovich	Weldon (FL)
Larson	Rahall	Weldon (PA)
Latham	Ramstad	Weller
LaTourette	Rangel	Wexler
Lazio	Regula	Weygand
Leach	Reyes	Whitfield
Lee	Reynolds	Wicker
Levin	Riley	Wilson
Lewis (CA)	Rivers	Wolf
Lewis (GA)	Rodriguez	Woolsey
Lewis (KY)	Roemer	Wu
Linder	Rogan	Wynn
Lipinski	Rogers	Young (AK)
LoBiondo	Rohrabacher	Young (FL)

NAYS—14

Armey	DeLay
Chenoweth-Hage	Emerson
Cubin	Johnson, Sam

Royce	Schaffer	Stearns
Sanford	Sensenbrenner	Tiahrt
NOT VOTING—14		
Archer	Greenwood	Sisisky
Clay	Houghton	Smith (MI)
Danner	Istook	Vento
Ehrlich	Jefferson	Wise
Gephardt	Markey	

□ 2008

Mr. ROYCE changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHIEF OF STAFF OF HON. JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GARY MILLER of California) laid before the House the following communication from Mr. Paul Marcone, Chief of Staff of the Honorable James A. Traficant, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the rules of the House of Representatives, that the Custodian of Records, Office of the Honorable James A. Traficant, Jr., has been served with a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, the determinations required by Rule VIII will be made.

Sincerely,

PAUL MARCONE,
Chief of Staff.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OPPOSING H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise to speak in opposition to H.R. 4577, the Labor-HHS-Education appropriation bill.

Once again, the Republicans are cutting taxes for the wealthy. The Republicans have lost sight of what the American people want: to improve our schools, preserve Medicare and social security, enact a Patients' Bill of

Rights, provide for prescription drug benefits, and eliminate the debt.

H.R. 4577 is bad for America and it is bad for my district. The bill cuts \$400 million from after-school programs, 100,000 school counselors, 100,000 teachers, programs to recruit teachers, math and science programs for 650,000 children, school safety programs for 40 school districts, programs for 1.6 million elderly, and programs for the disabled.

Education, because education is my top priority, I am concerned that the bill cuts \$3.8 billion from the President's educational programs, such as class size reduction and school construction. I state that California will lose at least \$369 million for the education under this bill. I state that California will lose \$369 million for education under this bill.

Just as we invest in the future of space programs, we need to make sure that we invest in our future, because children are our future. We need additional programs for math and science. We should not be cutting programs. We need to plant the seeds so that our children can guide us for tomorrow. If we do not plant the seed, it will never flourish.

Education is the foundation that provides us with a change. All kids should have an opportunity.

Cuts in after-school programs. The Republican plan cuts after-school programs by over \$400 million, or 40 percent of the President's proposal. It will throw children out into our streets instead of having them safely in schools. They will be placed as a burden on our churches to care for our young people.

School counselors. It eliminates funding for over 100,000 school counselors, so the kids will not know which classes to take. I was a counselor, and I know the importance of having counselors that can direct our children and tell them what classes they need to take to make sure that they are prepared academically not only to graduate from high school, but at the same time to go on to a community college, a State college, or to a university.

□ 2015

Class size reduction: The Republican plan will result in larger class sizes. It rejects the President's plan to hire additional 100,000 new teachers. In California alone, we have implemented the class reductions that have been very effective in the State of California where the grades have begun to increase for a lot of our children.

We had small classes; we owe the same opportunity to our children. We can remember that when most of us were baby boomers or going to school, our classes were small and we were able to learn in that kind of environment. This presents a very difficult environment for a lot of our children that will have 35 students in a classroom to 45 students in the classrooms. We need further reduction in classes.

Teacher quality: It will cut incentives for hiring good teachers by \$1 billion. There are over 30,000 teachers

needed in California alone this year. Our schools need to succeed, not to fail. We need to increase teachers' salaries from \$32,000 to approximately \$36,000, and provide incentives for our teachers.

Programs: The Republican plan will cut reading and math for up to 650,000 children. It cuts reading tutorial programs for our children. It will cut \$68 million from programs for education technology centers, yet the President just recently said that we are going to provide additional money in science and technology.

Especially, it affects a lot of our institutions across the United States. And we need to make sure that our children advance and are meeting the future in that area.

School safety: The Republican plan will result in unsafe schools. One-third of our schools need extensive repairs or replacement of buildings. Republicans rejected \$1.3 billion for urgent safety and health repairs at 5,000 schools.

Our children will be in classes with unsafe wiring, roofs could fall or leak. It is important that we provide an atmosphere and an environment that is conducive to learning. When our children feel that they are safe in schools, that do not have leaky roofs, that we provide that kind of environment, their attitude and self-esteem will change and it will be a lot better.

Republicans cut \$51 million from the President's request to fight drugs in schools. We need to keep programs like DARE programs, "Say No to Drugs," Red Ribbon Week, the Police Athletic League, the Friday Night Live, the Boys and Girls Club, Los Padrinos program, the City of Fontana Drug Court program, the drug treatment/recovery programs for adolescents established in legislation that I carried, AB 1784.

The Republicans have eliminated funding to make our schools safe.

The Republicans eliminated funding for a program to make our schools safe from violence in over 40 school districts. We need to avoid more tragedies. That is why I am carrying H.R. 4428 which would create school safety programs!

The elderly.—The Republican bill cuts funding to protect elderly Americans. It eliminates 95% of the funding to improve quality of care in nursing homes.

It will cut pension and health care plan protections!

It rejects a Medicare prescription drug benefit.

The disabled.—It will put the disabled on the streets, including our veterans, who have fought for our country. The bill cuts employment assistance to 3,100 homeless veterans!

The Republican plan helps the wealthy.—At the same time the Republicans are slashing programs, they are giving tax breaks to the very wealthy!

Democrats believe in responsibility.

But the Republican plan spends down the bank account. It does not save for a rainy day. It is a poor investment in our future.

The war on poverty, illiteracy, and disease.—There are hundreds of thousands of American citizens living without basic services that most Americans take for granted!

We need to take immediate action to give them the opportunity to succeed. We should have the courage and commitment to provide adequate living conditions.

No matter where they live, children must be given an equal opportunity to live healthy and safe lives. Seniors should have food, shelter, and medicine!

We should remember the words of Cesar Chavez, "Si se puede!" There is hope to take care of our children and seniors!

Conclusion.—We must look to the future. For our seniors and our young people. We must do the right thing.

We must oppose H.R. 4577. It is bad for my district! It is bad for America!

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EDUCATION FUNDING REQUIRES ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I realize that Americans are flocking to the beaches and taking with them a variety of reading materials. And so I guess in that sense, Mr. Speaker, it comes as no surprise that we are treated to the latest fiction and rhetorical terror from the leftists in this community who always trust Washington bureaucrats instead of the people.

As I listened to the litany of fiction just a few moments ago preceding me in the well, I noticed with interest that nowhere in any of the statements of the gentleman from California was there one scintilla of a request for accountability. Not in the litany of alleged shortages was there a simple request to have an accounting.

Now, I guess it should come as no surprise because under the Clinton-Gore administration, Mr. Speaker, do we realize that the Department of Education cannot account for \$18 billion of our money? The books of the Department of Education are unauditible. Mr. Speaker, Secretary Riley, President Clinton, Vice President GORE would be well-advised to take a mathematics refresher course.

No one doubts that children are our future. No one doubts that education is vitally important. But, Mr. Speaker, how do we serve the people when \$18 billion is not accounted for? That is real money.

Worst still is the notion that somehow by supplying more and more dollars, even when they cannot be accounted for, to Washington bureaucrats that somehow that magically by osmosis fixes our public schools. Nothing could be further from the truth.

We understand in this common sense Congress with an emerging bipartisan

majority that the best way to help teachers teach and help children learn is to call for accountability, first and foremost with parents and teachers and local leaders. That is the key and that is the major defense. That is why our majority in this House of Representatives time and again has asked for dollars to get to the classroom. That for every dollar of Federal taxpayer money devoted to education, 90 cents go to the classroom; only 10 cents be left for the care and feeding of Washington bureaucrats.

That is why, Mr. Speaker, I was pleased that every Member of this House last summer joined me in voting for the New Education Land-Grant Act that helps local school districts in 44 of our 50 states receive at low cost, \$10 an acre, up to 100 acres of federally controlled land that is not environmentally sensitive so that precious resources within those communities can go to what is really important, helping teachers teach and helping children learn. But again it becomes a question of accountability.

So when we hear the litany of fictions brought to this well, and when we hear the recitations of the gloom and doom, understand this: How can we entrust the Washington bureaucrats when these folks cannot even account for \$18 billion of our money? We do not put out a fire by throwing gasoline on it, nor do we solve problems always by throwing money. Spending money wisely, empowering parents, teachers, local leaders, Mr. Speaker, that is the way we improve education, and by getting dollars to the classroom instead of the bureaucratic cesspools where they remain unaccounted for.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO JAMES BELANOFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. James Belanoff, a long-time union leader for the United Steelworkers in Indiana who was part of a politically and social activist family, many of whom lived in Chicago and were actively involved in the labor and political activity of Chicago and of Illinois.

Mr. Belanoff was born in Canada and moved to Chicago where he lived until

he returned home from the military and moved to Gary, Indiana, and then to Hammond. Mr. Belanoff went to work for Inland Steel, joined the union, became involved, and ultimately became president of his local.

From 1977 to 1981, he served as full-time director of District 31 of the United Steelworkers of America. He developed his labor and community activist interests from his father who owned a grocery store, but who always was involved in civic and community life. Mr. Belanoff graduated from Roosevelt University with a bachelor's degree and was elected to two terms to the Hammond Indiana City Council.

Standing up for the common person was a trademark of Mr. Belanoff and that tradition has been embraced by other members of his family as they too have become involved in public service.

His sister, Mariam, served as a Cook County judge and as a member of the Illinois General Assembly. His nephew, Clem, is a former State representative and 10th Ward Democratic committeeman. Mr. Belanoff's son, THOMAS, is President of Local 73 of the Service Employees International Union and on the State Council of the Service Employees Union in Illinois.

In addition to his son Tom, Mr. Belanoff leaves to mourn his wife, Betty, two sons, James Junior and Joseph, a daughter, Katherine Robinson, four brothers, John, Clem, Theodore, and William, and seven grandchildren.

Mr. Speaker, Mr. Belanoff and the Belanoff family represent the very best of what America can be: Common folks doing uncommon things, always representing themselves and their neighbors and their friends. So I am pleased to have had this moment to pay tribute to not only a giant of a man, but a tremendously civic-, community-, and politically active family. I wish for them the best as they mourn their father, their uncle, their grandfather, and a friend to all of humanity.

INDIANA PACERS HEAD TO THE NBA FINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for the first time in history of the NBA, the Indiana Pacers are going to be playing in the finals starting tonight. They are the Eastern Division champions and we are just so pleased in Indiana that that happened. The Indiana Pacers. Remember, they played the New York Knicks. They said it was the hicks versus the Knicks.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is that the team where the best player is still the guy on the bench doing the coaching?

Mr. BURTON of Indiana. Larry Bird was a great player, but he is also a great coach.

Mr. Speaker, let me get back to the focus of my short message tonight. That is that the Indiana Pacers for the first time in history are going to be playing in the finals of the NBA. They are going to be playing the overwhelming favorite, the Los Angeles Lakers and Shaquille O'Neil, that titan of a man who is so tough to defend.

But I want to tell a little story. I had an opportunity to talk to Jack Nicholson, the outstanding movie star, about another issue on the phone. He has won several Academy Awards. Mr. Nicholson, the first time I called him was at a Lakers game and I mentioned it to him. He said, "Yes, I go to all the Lakers games." And I said, "You know, Mr. Nicholson, it is a shame that the Los Angeles Lakers are going to be playing the Indiana Pacers, because we are going to beat their tail." And here is what he said: "Not in your life, Dan."

I do not know if that imitation was very good. "Not in your life, son."

So all I want to say tonight to Mr. Nicholson, if he happens to be watching in California, Mr. Speaker, is, "You do not know anything about Hoosier pride, because we are going to win. We are going to win. We are going to kick the tail of the Los Angeles Lakers." Go Pacers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members not to address the television viewing audience.

COMMON SENSE GUN LEGISLATION AND THE DEATH OF LORI GONZALEZ, GRANDDAUGHTER OF LOS ANGELES POLICE CHIEF BERNARD PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to give a tissue to the gentleman from Indiana (Mr. BURTON) after the last game of the Pacers and Lakers, when that happens.

Mr. Speaker, I rise tonight because I think we were all excited last week as we went to our districts for our District Work Period for a week. And I was excited because first, I received the President and CEO of Amtrak coming in to Los Angeles to show the high-speed rail that we are trying to get to move people and goods throughout the State of California and all across the Nation.

□ 2030

All of California was quite excited about that.

I also had the privilege of opening up a one-stop capital shop for small businesses to grow, to expand, and to have job creation through the Small Business Administration. The small busi-

ness administrator, Ms. Aida Alvarez, came to open up this shop. I had the mayor of Los Angeles, Richard Riordan.

I even received an award, Mr. Speaker, on my legislation from pediatric asthma from the Asthma Foundation. I went to Sacramento to talk to the Governor and its people about funding for higher education.

So I thought it was a good week until the moment came where I got the call that one of our young women again had fallen to gun violence. This young woman, Lori Gonzalez, was the granddaughter of our chief of police Bernard Parks.

I guess I stand tonight once again to remind this Congress how important it is to pass meaningful gun safety reform. Because of the recent death of Lori Gonzalez, 20 years old, had not reached her adult life, and of the many who have fallen to gun violence, I urge this Congress to swiftly move to protect our Nation's children and its communities by approving common sense gun safety provisions.

Just a few weeks ago, I joined with other mothers in my community in Los Angeles and the thousands and thousands of mothers across this Nation who marched in Washington and 71 other cities to call on this Congress to finally enact common sense gun legislation.

On Mother's Day, we paused to remember the thousands of children who have been killed by gunfire and to pray that our message would finally move Congress to address this very critical issue before another day passes and another one of our Nation's children would be lost to gunfire.

In the weeks since Mother's Day, Congress has continued to sit idle, refusing to answer the prayers of, not just the Nation's mothers, but of the majority of Americans who favor the passage of common sense gun legislation. Today and every day gun violence continues to plague our communities and has taken the lives of innocent victims like Lori Gonzalez.

With the ineptitude and stagnation that has infiltrated the halls of Congress, I would unfortunately be fooling myself if I thought the death of one individual, Lori Gonzalez, could once again get this Congress to take up meaningful gun legislation.

This is the Congress that has done nothing in the wake of the horrible shootings in Columbine High School in Littleton, Colorado. This is the same Congress that has ignored every shooting in the past years simply accepting shootings as a part of daily life in America.

Lori Gonzalez, as I said, the daughter of Los Angeles Chief Bernard Parks was gunned down over the Memorial weekend outside of the fast food restaurant in Los Angeles. This could be any child because our kids do like to go to fast food restaurants, Mr. Speaker, even my grandchildren and even my adult children.

Ms. Gonzalez was a Saddleback College English student, was killed one week shy of her 21st birthday. Her friends and family have spoken about Ms. Gonzalez's high spirit and boundless energy. They spoke of a young woman who, with huge ambitions, urged smaller kids to reach for the stars and have hope in her small acts of kindness like soothing the ache of a burn victim, helping to stucco houses in Mexico and of her passion for helping the children in her community.

I say to my colleagues I call on this Congress to pass the gun safety lock bill that I introduced in the 105th Congress and the 106th Congress. We can ill-afford to have another gun violence victim in this Nation.

DISADVANTAGES OF ESTATE TAX BILL

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, on Friday, we are going to take up a bill to abolish the estate tax, a bill that has about as much merit as the prediction of the gentleman from Indiana (Mr. BURTON) that the Pacers will defeat the Lakers in the upcoming series.

Let us first put this tax in context. Only 2 percent of American families pay a single penny of estate tax. This is because the tax is designed so that a husband and wife can leave their first \$2 million, first \$2 million to their heirs without paying a penny in tax. So this tax is for those who are asked, do you want to be a millionaire, and literally became millionaires, \$2 million. Literally millionaire, that word meaning someone who inherits a million dollars.

The tax, of course, does not fall upon the decedent but rather on their heirs. The tax falls exclusively on billionaires by definition. The tax is an obnoxious tax as all taxes are obnoxious. But if we are going to start to abolish taxes, we ought to start abolishing the ones that hit working families the hardest.

This is a tax that falls exclusively, not on the fruits of the effort of the person paying the tax, but on the fruits of inheritance instead.

Now, we are told that this tax represents double taxation. Let us put one thing in context. When someone makes an investment, buys some stock for \$1,000, holds that stock until the stock is worth \$1 million and leaves it to their children, there is no tax on that \$999,000 profit.

The reason is that there is an estate tax on those assets. Those who propose to abolish the estate tax while continuing the current provision that provides a step up in the basis of assets received from a decedent are not arguing to abolish double taxation, they are arguing to abolish single taxation. In fact, the amount of revenue that the Federal Government gives up through

allowing that step up in basis is quite significant, even when compared to the total revenue generated by the estate tax.

I would point out that, if we want to abolish double taxation, let us start by providing a credit for every working family equal to the sales tax that they have to pay, so that somebody who is trying to make it on 6 bucks an hour or 9 bucks an hour goes out and buys goods in their State, goes out and buys food and clothing, that we care for that working American first and worry about that double taxation where somebody makes 6 bucks an hour, makes a certain amount, loses a chunk due to Federal taxation, and then sees a portion of that net pay going in State sales tax.

We are told that many businesses are not continued in family ownership and that somehow that is terrible for the employees. But we are given only the statistic that the heirs of small businesses choose not to continue those businesses. We are not told why. Does the son or daughter of a farmer want to be a farmer? Sometimes yes, sometimes no. If they choose not to be in agriculture, is that traceable to the estate tax? Only by a few stories, a few analyses, no statistics.

We are told that family businesses are sold and that is bad for the employees of those businesses. Are we given any statistics as to what happens when those family businesses are sold? No. Nor are we told whether those family businesses are sold because there is a Federal estate tax or for some other reason.

In fact, we have special provisions in the estate tax law designed to minimize and delay the effect of the estate tax on those whose inheritance is made up chiefly of a farm or chiefly of a closely held business. Those tax provisions are availed of, I believe, roughly 6 percent of the time. That means we are abolishing a tax that 94 percent of those paying the tax have nothing to do with small business, or at least nothing to do with those provisions.

Mr. Speaker, I regret only that 5 minutes does not allow me to even scratch the surface of the disadvantages of this bill. I look forward to the debate on Friday.

NATIONAL EMPLOYMENT DISPUTE RESOLUTION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I am today introducing the National Employment Dispute Resolution Act of 2000. This bill will build on H.R. 3528, the Alternative Dispute Resolution Act of 1998, which we passed last Congress. The goal of this initiative is to establish alternative avenues for the resolution of disputes.

The bill I introduced today will amend five current statutes, Title VII

of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991.

Essentially, the bill mandates mediation as an alternative to litigation of employee claim under these statutes.

Alternative dispute resolution is commonly referred to as ADR. ADR includes a range of procedures, such as mediation, and it also includes arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a plaintiff and a defendant battling each other in a court before a judge or jury to prove that one is wrong and one is right. It is time consuming, it is expensive, too expensive for most wage earners to afford, and often too time consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce "winners and losers necessarily destroys almost any preexisting relationship between the people involved" and "it is virtually impossible to maintain the civil relationship once people have confronted one another across a courtroom."

The National Employment Dispute Resolution Act of 2000 requires all Federal agencies and private employers to establish a volunteer alternative dispute resolution program.

The purpose of the bill is to guarantee that all litigants have another way to resolve their differences short of a full trial.

Mediation is a volunteer process in which a neutral party, a mediator, assists disputants in reaching a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient, and economical. It also facilitates the lasting relationship between disputants.

A recent survey by the General Accounting Office showed that mediation is the ADR technique of choice among the five Federal agencies and five private corporations that were surveyed.

The report stated, "Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them to avoid formal redress processes and litigation."

In a taped message during a recent Law Day Ceremony, Attorney General Janet Reno said, "Our lawyers are using mediation . . . to resolve employment cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy."

On that same day, President Clinton issued a memorandum creating a Federal interagency committee to promote the use of alternative dispute resolution methods within the Federal Government pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the act or provisions of Federal laws amended by the title. In 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

Mr. Speaker, thus the bill that I introduce today is but another step in the fabric we must weave to ease the burden on our courts and provide an expeditious response to disputants who wish to resolve their claims and differences.

I urge all of my colleagues to take a close look at the National Employment Dispute Resolution Act of 2000.

□ 2045

ELIMINATING THE ESTATE TAX

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes as the designee of the majority leader.

Mr. CRANE. Mr. Speaker, I rise today to address the tax that is one of the most obscene, unfair, and immoral of all taxes. The estate tax, or what is commonly referred to as the death tax, since it is generally triggered only by one's removal from productive life, has outlived its usefulness. Later this week, this body will be voting on legislation to eliminate the death tax, and I think it is past time to bury the death tax once and for all.

Mr. Speaker, I am submitting for the RECORD an article by William Beach from the Heritage Foundation entitled "Time to Eliminate the Costly Death Tax."

TIME TO ELIMINATE THE COSTLY DEATH TAX
(Published by William W. Beach, the
Heritage Foundation)

The U.S. House of Representatives is once again poised to vote on repealing the federal death tax. In view of the strong support that death tax repeal receives from the general public, the House debate should be firmly grounded in what an increasingly large percentage of voters already know: Death taxes adversely affect many times the number of people who pay the tax collector. The Death Tax Elimination Act (H.R. 8), sponsored by Representatives Jennifer Dunn (R-WA) and John Tanner (D-TN), is a response to this growing understanding and offers the House its second opportunity in an many years to eliminate this onerous tax.

Death taxes most often burden the very people that tax policy is intended to help. For example:

Women and minorities are very often owners of small and medium-sized businesses. After sacrificing daily to build their businesses by reinvesting their profits, they soon realize that the financial legacy of their hard work, which they hoped to pass on to their children, instead will fall victim to confiscatory taxation and liquidation.

Farmers often face losing their farms, but this is not so much because of competition from wealthy agribusinesses or capitalist

"robber barons." More often, it is because the federal government heavily taxes the estates of people who invested most of their earnings back into their farms and had only meager liquid savings.

Workers suffer when they lose their jobs because many small and medium-sized businesses are liquidated to pay death taxes and because high capital costs depress the number of new businesses that could offer them a job.

Low-income people are harmed—not only because the general economy is weakened by the death tax's rapacious appetite for family-owned businesses, but also because the death tax discourages savings by encouraging consumption.

Specifically:

Death taxes hurt small businesses. Investing in a business is one of the many ways to save for the future. For most small firms, every available dollar goes into the business—the dry cleaning firm, the restaurant, the trucking company—to ensure that it sustains an income for the owners's family and is an asset to pass on to children. Women with children often find self-employment to be the only entry-level work available. Minorities, many of whom wish to raise their families in ethnic communities, understand well the virtues and promises of self-employment. Yet the financial security that family-owned and small businesses provide these Americans is put at risk if the owner dies with a taxable estate.

In an important 1995 study of how minority business owners perceive the estate tax, Joseph Astrachan and Craig Aronoff, economists of Kennesaw State University in Georgia, found that:

Some 90 percent of the surveyed minority businesses know they might be subject to the federal estate tax;

Although 67 percent of these businesses have taken steps (gifts of stock, restructuring ownership, purchasing life insurance, and buy-sell agreements) to shelter their assets from estate taxes, over 50 percent of them indicate that they would not have taken these steps had there been no estate tax; and

Some 58 percent of all respondents in the survey anticipate business failure or great difficulty maintaining the business after their death.

Death taxes are more "affordable" as income rises. Taxpayers who cannot pay tax-planning fees frequently lose more of their estates to death taxes. Thus, what appears to be a progressive tax contains a regressive dimension. Experts on the death tax continually are struck by the number of taxpayers who are insufficiently prepared to pay the death tax and by the high correlation of these types of people with those who have not had the benefit of high-priced legal and accounting advice. Indeed, legal avoidance of high death tax liabilities is closely related to the amount of fees taxpayers are able to pay for expensive tax-planning advice.

Death taxes undermine savings and investment. Not only do death taxes reduce potential employment opportunities and undermine the promise that hard, honest labor will be rewarded, but they also encourage consumption and undermine savings. What can be said generally about income taxes can be stated emphatically about death taxes: Accumulation of more wealth will lead to more taxes, while consumption of income will result in relatively lighter taxation. In other words, it makes more tax-planning sense to buy vacations in Colorado or a painting by Rubens than to invest in new production equipment or expand a business.

Death taxes are costly to collect. The economic effects of the disincentive to save and invest are striking, especially in light of the

relatively small amount of federal revenue raised by death taxes. A 1996 Heritage Foundation analysis of death taxes using the WEFA Group U.S. Macroeconomic Model and the Washington University Macro Model, for example, found that, if the estate tax had been repealed in 1996, then over the next nine years: The U.S. economy would average as much as \$11 billion per year in extra output; an average of 145,000 additional new jobs could be created; personal income could rise by an average of \$8 billion per year above current projections; and the extra tax revenue generated by extra growth would more than compensate for the meager revenue losses stemming from the repeal.

The death tax is not even a good value for the government. Federal death taxes probably are the most expensive taxes to pay and collect. Death taxes raise just slightly more than 1 percent of total federal revenues, but according to one 1994 analysis, total compliance costs (including economic disincentives) amount to about 65 cents for every dollar collected. Other studies, which subtract disincentives and examine only direct outlays by taxpayers to comply with estate tax law, put the compliance cost at about 31 cents per dollar. This additional cost means that the \$27.8 billion collected in federal death taxes last year actually cost taxpayers \$36.4 billion.

Mr. CRANE. Mr. Speaker, I would now yield to our distinguished colleague, the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means here in the House of Representatives.

Mr. Speaker, later this week we will come to this floor to vote on putting at long last the death tax to death, and we will be offered a clear choice. Some in this chamber will embrace the politics of envy, but, Mr. Speaker, I believe a bipartisan majority will embrace the principles of fairness, hope and opportunity, for that is what we seek.

As my good friend from Illinois just pointed out, there is no tax more unfair than this death tax. Stop and think about it. Think back to the very foundations of our Nation, to one of our founders, Benjamin Franklin, who had a gifted and diverse career, who indeed won much public acclaim and a fair amount of his fortune as a social commentator in Poor Richard's Almanac when he observed, "There are only two certainties in life, death and taxes." But even Dr. Franklin, with all his wisdom, with his ability to seemingly see into the future, not even a person as impressive as Dr. Franklin do I believe would realize that one day the constitutional republic that he helped to found would literally tax its citizens upon the day of their death.

The rallying cry is simple, my colleagues. The American people instinctively understand it. No taxation without respiration. And here is why. This vast Federal Government, accumulating revenue in much the same way as I, before I went on my diet, would go to a buffet line kind of piling it up,

searching for it in every nook and cranny, this ravenous Washington bureaucracy seeking revenue, when all is said and done, picks up precisely 1 percent of its revenue through the death tax, and yet three-quarters of that 1 percent is spent badgering widows and children and survivors of those who embraced the American Dream, who built up small businesses, who fed and clothed Americans on farms and ranches.

Indeed, my colleagues, perhaps nowhere is it more dramatic a dilemma than on the family farm or on the family ranch across the width and breadth of our great Nation. This is a classic dilemma. Those who have the family farm could be accurately called cash poor and land rich. When there is a death, it is quite simple, Uncle Sam comes to the survivors and says, here is an expensive tax bill, pay it. How then is it paid? Well, the family farm is sold.

And one of my friends who chooses to embrace the politics of envy, who preceded me in this well, claimed there were no statistics to offer on this. Well, I know that there are those who long for the soul of the accountant in all of these transactions, but I do not want to besmirch the profession of accountancy. I simply want to point out that especially my colleagues from suburban and urban districts might be compelled to realize that there is life outside the major metropolises; that power does not come from a light switch; that milk does not come from the corner market; that America's farmers provide these things, and the death tax absolutely pummels rural communities and family farms and ranches.

We feel that acutely in the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, from the small hamlet of Franklin in Southern Greenlee County, north to Four Corners, west to Flagstaff, and south again to Florence, really all the way south to San Manuel, site of the largest underground mine in North America. Hard working people who play by the rules and a multitude of small towns are ravaged by this death tax. Because those who have spent their time building businesses, who helped provide for the farmers and ranchers, are forced to sell those businesses.

Perhaps my colleagues have seen it in their communities. Perhaps those in larger cities would see it if they could take off their blinders and resist for a time the politics of envy. Perhaps they too could realize that, yes, more often than not, when a family loses control of a business, there is a reassessment and, yes, long-time valued employees are let go. Under new management often means faithful employees are out the door.

And even as we champion new economic opportunities, why add to uncertainty? What crime have these families

committed that would prompt the Federal Government to say to them, "Sell your business; pay Uncle Sam." They have committed to crime. But under our curiously misguided Tax Code, as it stands today, they have committed an offense in the eyes of those who always embrace the radical redistribution of wealth. Mr. Speaker, those folks worked hard and succeeded and they are being punished for succeeding. And it is wrong and it has cost America too many family farms, too many family ranches, and too many small businesses.

No matter the platitudes of the left and those who preach the politics of envy, it is common sense, Mr. Speaker. Across the width and breadth of the Sixth Congressional District I have held many town meetings. My colleagues who join me tonight will attest to the fact that there is no greater thrill than meeting with constituents and listening to what is on their minds. And how many times have I heard the story of a family ranch being sold to satisfy the tax man.

Indeed, Mr. Speaker, we hear these stories even as we return to this capitol, oftentimes referred to as the crossroads of America because we meet so many people from so many other places. A gentleman stopped me just last night, told me the story of his 83-year-old mother who, some years ago, upon the death of his father, was told by the Washington bureaucrats, "You have a tax bill of over \$800,000. We don't care how you pay it, you just pay it." And, just like that, the family business was gone, Mr. Speaker.

Now, some of my friends in accounting might say, oh, that lady had the assets to sit down with a tax attorney or an accountant. Certainly she could have provided some sort of means to hold on to the family business. She is to blame for not doing so. No, Mr. Speaker. No, the blame is not on that lady in her 80s, now forced to subsist on Social Security. The fault lies in a Tax Code that punishes people for succeeding, that deprives other Americans of jobs, that inhibits the very free market principles and the notion of rewarding ambition and success and prosperity upon which this country was built and upon which this country can prosper. But we can change that this Friday when we put this death tax to death.

I mentioned a second ago, Mr. Speaker, town hall meetings. Another thrill we have, those of us who are honored to serve in the Congress of the United States, comes on those occasions when we are able to appoint young men and women to our military academies. I was in Winslow, Arizona, where two young men who aspired to attend one of those military academies received permission from their high school principal to leave during the lunch hour and join us at city hall for a town hall meeting. And there in Winslow, Arizona, the farmers, the ranchers, and the small business people were lament-

ing this death tax. And one of those young men, just really the epitome of all that is good in young people wanting to serve their country, one of those young men stood ramrod straight and said, "Congressman, sir, do you mean to tell me the Federal Government taxes you when you die?"

Now, initially, there was laughter among the older members of that audience in that town hall meeting. But then, upon further reflection, my constituents decided that really was not funny; that it epitomized just what was so unfair, just what was so unjust, just what was so unproductive about continuing to punish people for succeeding and trying to pass on their businesses, their dreams, to their heirs.

Now, again, my colleagues, we have a choice. There will be those who continue to propagate the fiction that we should rely on the politics of envy, but a bipartisan majority will emerge this Friday saying we embrace the policies of hope. And the first step we take to do that is to put this unfair, unjust death tax to death.

Mr. Speaker, I yield back to my colleague from Illinois.

Mr. CRANE. Mr. Chairman, I congratulate our colleague for his insightful observations on this immoral Tax Code that we are speaking about tonight. And I now would like to yield to our distinguished colleague, the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman for yielding to me tonight to join with him and others to talk about the repeal and the elimination of the death tax.

As the gentleman knows, the strength of our Nation's economy rests in its small businesses, small farms, and small ranches. That is where new jobs are created. That is where the economic vitality of this country is. I am proud of the fact that I represent, I think, the largest constituency of small businesses, over 25,000 small businesses in my district, over 40,000 farms and ranches.

One of the characteristics of every one of these businesses is that the owners plow almost all the cash flow that they generate, almost all the dollars they earn back into those enterprises and those businesses. Early on, it is usually to pay off the debt that it takes in order to get started in that business. Then, later on, they will use that money to add to inventory or to add new equipment or machinery to expand the business and to make it grow or to put new people to work.

Now, these family farmers and these family ranchers and these small business owners usually make very little. In the case of the farmers and ranchers, they will accumulate a thousand acres or so, perhaps, and 100 critters or so, but they have relatively little cash flow to show for it. They often have little to show for it. Almost always they have no savings account, no retirement account. Sometimes they will have an old pickup truck or an old car or an old farm vehicle.

□ 2100

As my colleague the gentleman from Arizona (Mr. HAYWORTH) said, these people become asset rich and cash poor. But eventually for all of us retirement comes, and it is at this point that these folks have a really big problem. Because they have little in savings and little in retirement, the only thing they can rely upon is the asset, the farm or the ranch or the small business that they accumulated. So, in order to retire, they usually have to sell this business or part of this business to their kids or to other people.

Now, until the Republican Congress reduced the capital gains tax, if we added the Federal tax and the State tax together, that owner of that business had to give a third of whatever they got for that business in taxes. But that was not the whole story. If they sold that business to their kids, their kids would have to pay 40 percent income tax on those payments, as well.

So, in order to transfer that family farmer business, if they sold it to their kids, they would have to pay 70 to 80 percent taxes on that transaction. Very few businesses could generate that kind of income.

We reduced the capital gains tax, and now it is down perhaps with State and local tax to 25 percent. But if they sell part of this business to retire to have some cash flow and leave the rest of it to their kids, they are going to pay 60 percent tax on what they sell to them and 56 percent tax on what they give to them.

Now, if they can possibly generate the money that is necessary to pay those kinds of taxes, what it means is there are no dollars to modernize that business to cause that business to grow and to expand; and the result of that is that the lion's share of those businesses fail because of the huge debt that they have to take on because of estate tax.

Virtually every farm group in this country, virtually every advocate for small business in this country will tell us that the greatest threat to these family enterprises, farms and ranches and small businesses, is the death tax. It is not low commodity prices. It is not competition. It is this unfair tax. Farmers and ranchers just simply cannot generate the cash flow they need to create a living for the people that work and operate that farm or ranch or business and to pay this tax.

So what ends up happening as an alternative? Well, what ends up happening as an alternative is they will sell out to celebrities, for example, in my State. Ranch after ranch are being bought by Hollywood types or people who have earned their income from somewhere else who buy their ranches or farms for recreation. The result of that is that they are no longer productive farms and ranches, they no longer add to the vitality of these small rural communities, and it is destroying the economy of these rural communities.

Worse yet, many times the farmer or the rancher will subdivide the land, di-

vide it into 20- or 30- or 40-acre parcels, and sell one parcel or two parcels a year to generate enough money to retire on. In the end, they replace a ranch with a bunch of ranchettes. What happens then is we lose all the wildlife habitat, we lose the open spaces and the greenbelts that so many people advocate for in this Congress.

Now, the sad thing about all this is that the very wealthy do not pay this tax. They use trusts, family trusts and charitable trusts, and all kinds of mechanisms to avoid paying these taxes for generation after generation. They avoid this tax.

But, my colleagues, 40 percent of the death taxes that are collected by this Government are collected on estates of less than a million. These are estates where there are family enterprises. They are the ones that pay this tax.

It is not a fair tax. It is not good for our economy. It is not good for our environment. It is eliminating green spaces and greenbelts. It is destroying the economy of rural America. It is eliminating the visual relief that so many of our city dwellers want to see when they pass into the farm country. But passing this bill to repeal the death tax, the Death Tax Elimination Act is essential for keeping agriculture and families, for maintaining these family farms and these family ranches, and to continue these family businesses.

I am proud to be a cosponsor of H.R. 8. On Friday I know we are going to have a strong bipartisan vote. I am confident the Senate will pass it and the President will sign it. I urge my colleagues to support the bill.

Mr. CRANE. Mr. Speaker, I yield to our distinguished colleague, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the efforts that we are going to do for American families this week and eliminate the unfair death tax.

Some of us like to talk about this issue in terms of numbers and percentages and policy. And really what this does is it protects our families. This is a family bill, but let us talk about it in the sense of overall policy. And that is that, in my generation, we have done well in either running the family business or even starting our own; and our fathers, the greatest generation, have done well, as well.

So we have to figure out, in continuing prosperity and trying to widen and deepen prosperity so it touches even more, if we are going to continue policies of the Government usurping and taking money out of the private sector and, therefore, stalling or risking future prosperity for our children, then that is one policy we can take as this next generation transfers their assets to the next generation.

Or we can do the right thing and allow that money to transfer to the next generation, where it will be put back into the economy, where it will be spent to expand, to recapitalize the family businesses. Or, God forbid, they

spend it on other things and continue to stimulate our economy and ensure prosperity for our children when they graduate from school that they will have opportunities for good jobs.

But we can talk about it in the policy sense and how it is the right thing to do. But what I want to do is just talk about the impact on the families in Nebraska, because I am here to fight for those families. Because what this does, when we eliminate the death tax, what we are, in essence, doing is protecting the culture, the history and the heritage of families.

Yesterday in our office we had the Farm Wives Association. What was their number one issue? It was elimination of the death tax. They want to try to pass their family farm, many of which their grandfathers staked out, they want to pass it to their sons and their daughters. But they cannot.

The average farm size in Nebraska is about 840 acres. That is well over the limit before we even get to the machinery and the value that the IRS would place on that business. But it is a cash poor business. They have no choice but to sell that farm instead of passing it to the next generation. They have to sell it to pay their IRS tax bills. They have to. They have no other choice.

So, as we are talking about protecting the history and the culture of our small family farmer, it is our IRS policy that is forcing the consolidation. It is these families that are selling out to the Ted Turners who own tens of thousands of acres in Nebraska.

But let us talk about in Omaha, Nebraska, where I was born and raised. Let us talk about the Omaha Printing Company, a third-generation company. It is a small business. They employ about 30 or 40 folks. Yet, they have several really impressive machines when I took the tour of it, and each of those machines run well over \$500,000 to \$600,000. They have three of them right there that is putting them to the limit before we get to all the other assets of that business and the valuation.

The father that is currently operating that business is going to have a choice to make. Sure, they have paid the lawyers and the accountants to try to comply with this tax code and trying to pass it to the next generation, but they are realizing that they are probably going to have to spend about 40 percent to 50 percent of the assets of that business to try and keep it in the family.

What about in south Omaha, the great and colorful cultural area of our town, with the Jacobo's grocery store and tortilla plant. They have got a couple of taco shell and tortilla shell machines in the back, just a couple of them. But the value of their inventory and the value of the machines itself puts them over before we get to the valuation. And Carlos, who is in his early 40s and has a young family that he would like to pass the grocery store on to, he may not have that opportunity.

Mr. Jacobo emigrated from Mexico several years ago, 40 years ago, and established a small south Omaha business. It is really the center and the hub of this colorful Hispanic community that is so vibrant in south Omaha.

I just hope that we do the right thing, Mr. Speaker, for that Hispanic owned grocery store and small business in a colorful part of my district. We have an historic opportunity to protect, to work, and fight for families and their history and their culture. Let us not miss this opportunity.

Mr. CRANE. I now yield, Mr. Speaker, to our distinguished colleague from California (Mr. BILBRAY). I was going to say Australia.

Mr. BILBRAY. Mr. Speaker, I thank the gentleman very much for yielding.

For the Record, my mother is from Australia, but she is an American who is from Australia.

Mr. Speaker, I just wanted to sort of echo the issue that when we talk about the death tax, I think too often we talk about the families that have to give up their businesses and give up their homes and their farms and the way that it breaks up the hard work and the sweat of parents, their ability to pass it on to their children, but I think that we do not talk about the bigger picture.

I want to articulate something. The fight against the death tax should not be a fight for the taxpayer. It should not even be for the small farmer or the small business owner. The fight against the death tax should be a fight for a civilized, decent society, and that is it.

Now, my colleagues may say how can I tie the death tax to the concept of decency? Well, Mr. Speaker, I always try to think about what will history say about us as a society.

There is this movie out "The Gladiator" about this great civilization called Rome. But how can they be a great civilization when they had the kind of blood letting they had? And history has damned the Romans for that.

What I worry about is what will history say of the greatest nation in the history of the world, the United States of America? What will they say about us a thousand years from now? And will they say about us, oh, they were a great nation, but they taxed their dead? How are we going to justify ourselves to history?

Now, there is a bigger picture here that I think we have got to address, and that is the fact that this tax does not just impact individuals and businesses but it is impacting us as a society.

I think those of us on the Republican and the Democratic side will say one of the biggest concerns we have is watching multinational corporations come into the United States and absorb and digest and consume small entrepreneurial family businesses such as farms and businesses. And we will hear those on both sides of the aisle talk about how multinational corporations are

getting so big and they are basically getting the monopoly because the little guy is being gobbled up. And it is right.

The true defender of the consumer is not government. The true enemy of big business is not big government. It is little business that competes and gives the consumer an alternative than the big business corporations and the multinational corporations that we hear our liberal friends always yelling about. But our tax laws, my colleagues, are subsidizing and encouraging and at many times mandating the selling out of small entrepreneurial businesses to the multinational corporations.

I will give my colleagues one example. Roll Construction in San Diego is a family-built construction business and they have come to the conclusion that when mom dies, the only way for them to be able to pay the death tax is to sell out to a major multinational corporation.

□ 2115

This is what it really comes down to. Are we for the little guy? Are we truly for the taxpayer? Are we truly for the American? Or are we so hell-bent to get our pound of flesh that we are willing to not only tax the dead, sell the farm, sell the business, but also subsidize the big corporate interests? That is something that we do not hear a lot of talk about here. I think that we need to talk about it. Because I think that we have got to understand that this will not only impact and help the corporate but when the consumer is looking for competition, when the consumer needs the break, the consumer will not have the little entrepreneurial business to be able to beat the big guy because he is not going to be around because the United States government has taxed them into nonexistence. And so I think that when we talk about the death tax, I want to ask our colleagues on both sides of the aisle, think about what you really care about. And if you are so hell-bent to try to get the rich guy, remember what happened in 1898 when this government said we are going to get the rich guy by taxing the rich guy's phones because everyone knows that the little guy and the working class does not have phones. History has proved this year, we realized what a huge mistake that politics of envy and of hate generate in the tax code. The working class got nailed the worst of anybody proportionately.

Remember in the early 1990s when they said we are going to tax the rich and get their boats because that is a luxury by the rich. Who got hurt? Who got hurt was the working class that were building those boats. They were out of work. The business left the country. I think we all remember the concept of the income tax was to really tax those who made about \$800,000 in today's dollars. It was only going to be 1 percent. Who would care? We are only taxing the rich. I think every working-class family today now realizes what goes around comes around.

Mr. Speaker, I just think that we have got to say if we believe in capitalism, if we believe in a free economy, if we believe in government not subsidizing major world corporations, if we believe in the fact that the family unit has the right to serve a community as a family unit, as a business and a farm, then the death tax has to go.

I will close with one last example. There is a Latino family in my district whose father immigrated here back in the 1950s, who has raised a family and the sisters and the brothers and the mother and the father and the uncles work in that print shop. They have grown their business in printing. The fact is, though, they came to me and said, "If anything happens to mom and dad, we have to sell out." Who will they sell out to? To the people who have the money to buy them out, the big corporate interests that do not want to see those small entrepreneurial immigrants competing with them. I would just ask us to consider that and let us not talk about and cry about the fact that big companies are getting bigger unless you are willing to stand up and say, okay, there are some things we cannot control in the private sector but this is one we can. Government, for God sakes, quit subsidizing the major national corporations and start it here first by not forcing small family businesses to sell out to them. We hear a lot of talk about that, about not subsidizing corporate business, on both sides of the aisle. That should be right. But the death tax is the major force of making them sell out. You can see every study in the world what breaks the back of the family business.

So I ask my colleagues a thousand years from now, what will historians say about this Congress and this society and this Nation? Will they say that we taxed the dead and taxed their citizens to death or will they say they recognized the wrong, they recognized the injustice, they recognized the immorality of their tax code and they did the right thing and killed the death tax.

Mr. CRANE. I commend my distinguished colleague from California.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I want to first of all to say that I rise in very strong support of this legislation to eliminate the death taxes in this country. This is something that I have cosponsored for several years. I want to thank the gentleman from Illinois for yielding. First of all I want to commend him for putting together this very important special order and for leading the charge in this battle as he has on so many other things over the years in this Congress.

I first got to know the gentleman from Illinois (Mr. CRANE) when he came to speak to a very small group of conservative students at the University of Tennessee in 1966. Then I think it was about 1972, I had him come

speak to the George Washington University Law School to a packed audience. I think he put those students into shock because with the lack of true academic freedom that we have on the college campuses in this country, many of those students at George Washington Law School had never really heard a truly conservative speaker such as the gentleman from Illinois. I am proud to call him a friend. I think he is one of the finest men that I have ever known in my life.

Mr. Speaker, let me just say that today, and many people do not realize this, the average person pays almost 40 percent of his or her income in taxes of all types, State, Federal and local, sales, property, income, gas, excise, Social Security, all of the other types of taxes, and the estate or death taxes. Then it is estimated that consumers pay another 10 percent in regulatory costs that are passed on to the consumer in the form of higher prices. A Member of the other body our good friend Senator THOMPSON from Tennessee, I remember a couple of years ago he had ads on television which said today one spouse works to support the family while the other spouse has to work to support the government. There are some of us in this Congress, in fact many of us in this Congress and I think an even greater majority across the country that think that basically half of the average family's income going to support government is not only enough, it is far, far too much. This legislation to eliminate the death tax I am told will put over \$20 billion back into the pockets of average Americans. It probably, as the gentleman from California (Mr. BILBRAY) has just pointed out, is the most important single thing that we can do to help small business and to help small family farmers in this country.

It has been a regular thing since World War II to have White House conferences on small business. In almost every one of those conferences, the number one or number two issue for these small businesses has been the effort to try to eliminate the estate or death taxes. It has been I think one of the very top issues for the American Farm Federation and other farm organizations. It is something that is long, long overdue. The gentleman from Pennsylvania (Mr. PETERSON) told me that it takes \$12 billion just to collect this tax. And so the government really does not make that much but it takes a lot of money away from families and small businesses in this country. As the gentleman from California did such a great job just a few minutes ago pointing out, this is probably the best thing that we could do to help small business, if we all decry the fact and worry and show concern about the fact that every industry seems to be going to the big giants, the big keep getting bigger and the small keep going by the wayside because they cannot survive, they have to merge and they have to keep growing and get bigger and bigger

to survive or merge or sell out. And so if somebody wants to really help the big giants in almost every industry and if you want to help, as the gentleman from California said, the big multinational corporations, probably one of the best things you could do is support keeping these death taxes in effect. But if you want to see family farms survive and if you want to see small businesses survive, then you will support this legislation to eliminate these death taxes that I think we will have on the floor on Friday.

I remember several years ago, quite a few years ago I went with a friend to see the University of Tennessee play Georgia in a football game. We were in Atlanta and had breakfast with these two accountants who specialized in buying businesses. They told us that most of the businesses they bought, they bought from second-generation owners because they said it was hard to buy from a first-generation owner because the business was usually that person's dream. But they said that if they ever found a business that was in a third-generation ownership, they thought they had hit the jackpot. But they told us, do you realize how rare it is, how extremely unusual it is that a business makes it into the third generation of ownership? And I think one of the main reasons that so few businesses make it into the third generation of ownership is because of these death or estate taxes that have forced so many families to sell out to bigger businesses or bigger corporations.

We started several years ago when control of this Congress changed trying to bring Federal spending and the Federal Government under a little bit of control. The first 6 years I was in this Congress, we were just routinely voting 12, 15, 18 percent increases for every department and agency out there. Mr. Speaker, to show how bad it had gotten, Alice Rivlin who was the President's head of the OMB and is now in the Federal Reserve put out a memo that said if we did not make some changes, this was a few months after President Clinton came in, we were going to have yearly deficits or yearly losses of over \$1 trillion a year by the year 2010 and between 4 and \$5 trillion a year by the year 2030. If we had sat around and allowed that to happen, I think everybody knew the whole economy would crash. Since the control of the Congress changed, we at least have brought Federal spending under some type of control so it is basically just rising at the rate of inflation. But we have not cut nearly as much, and we really have not cut at all like some people think. About 3 months ago, Robert Samuelson in Newsweek wrote a column, and he is not considered to be a conservative columnist at all, he wrote a column and he said, "Government is slowly getting bigger because paradoxically we think it is getting smaller." That is what Robert Samuelson wrote in Newsweek about 3 months ago. "Government is slowly getting

bigger because paradoxically we think it is getting smaller." Government keeps getting bigger and taking more and more from the people of this country and there are many of us who think that the average person in this country knows better how to spend his or her own money than Federal bureaucrats in Washington know how to spend it for them. That is the philosophy behind this legislation to eliminate the death taxes. There is very little legislation that can do more to help the economy and to help small business and small family farms and to give a little money back to the people of this country so that they can use it on their own families rather than have the Federal Government just continue to waste it and waste it and waste it. I rise in strong support of this legislation.

Mr. CRANE. I thank the gentleman for his kind remarks. I would remind colleagues I had the distinct privilege of serving with his father who was also our chairman of the Committee on Ways and Means. We are all honored that the gentleman has had the opportunity to succeed his father and represent the good folks down in Tennessee.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding very much. I did not intend to come to the floor and speak tonight but I was watching this discussion on television and decided to come and share just a couple of points I think that are important. About 3 years ago, we passed the Balanced Budget Act of 1997. It had a lot of good things in it and a few bad things in it. As we oftentimes have to do, you have to weigh the good versus the bad and make a judgment call. I think a lot of good came out of that. But very few people out there realize that at the very last minute of the negotiations of the Balanced Budget Act of 1997, which really have set in place the framework of the balanced budget and the spending caps that have kept the budget balanced and I think stimulated the markets and given investors confidence and helped this economy thrive over these last 3 years, but at the very last minute, one of the biggest disappointments that I have had in the last 6 years that I have been here was that they changed their plans with respect to the elimination of the death tax or the lifting of the exemption of the death tax, because the negotiations centered around doubling the exemption back in 1997 for the estate tax, the death tax so that when people die, a certain percentage of what they have is not taxable.

□ 2130

And it was a great disappointment at the 11th hour back in 1997 when, instead of doubling the exemption for the death tax, they came back and put just an annual index on it. So it gradually goes up.

That was a big disappointment, because back home in Tennessee, where I live and spend time with my family and the people that I represent, there are a lot of stories about regular people, hard-working small business people that are affected by this unfair tax at death, where the taxman comes, when a family member dies, and asks for the money very soon after death, within 6 months, and you have to pay up. You have to find the money to pay up.

In Washington, we went through an appropriation's markup today. There is a lot of rhetoric from the other side of the aisle about this whole tax proposal to eliminate the death tax over time and to raise the exemptions and to give death tax relief to small business people and individuals out there.

There is a lot of talk that this is a tax plan for the top 1/10 of 1 percent of the wealthiest Americans. Let me tell you what my experience is: This is all about doing what is fair for people in this country. Some of them, yeah, they were in business. Some of them are family farmers, but a lot of them are just grassroots small business people that find themselves in a position that they have to pay the taxman when maybe their parent passes away.

I just want to tell a story, without naming names, about a young man, a young family in my Sunday School class at Red Bank Baptist in Chattanooga, Tennessee. This young man is in business with his father. He lost his mother just a few years ago. When his mother passed away, he analyzed the situation being in business with his father, because it really hit him like a ton of bricks that he needed to have some tax professionals look at his situation. He found that if something were to happen to his father, he would owe the taxman large sums of money and, effectively, be forced to sell his business.

Now, this is not some kind of big business. Let me tell you. This is small business. I am talking about old buildings. I am talking about a lot of maintenance. I am talking about very few employees, less than 10. I am talking about a very small family business, yet, over time, they built up enough momentum and enough assets that at death this individual, if his father passed on, would have an enormous and immediate tax bite.

Frankly, all that money that has been generated for this family business over this generation has already been taxed, yet, the government in this country at a time where we have a budget surplus, where we do have a good economy and consumer confidence, this is the time where WE say what are the most unfair taxes and let us eliminate them; what are the taxes that will give the most economic stimulus, and let us cut them.

This is a time where you can return some of the money to the people that pull the wagon in this country, and that is what I found. My friend needs

this tax relief. He is not wealthy. He needs this tax relief so if something happens to his father, he is not forced to sell that business.

We have to have some generational equity in this country again, where families work and invest and hand down and pass down the fruits of their labor. We cannot have let us take it all out, we have to have, you know, a culture that says let us invest and save and pass down. That is the American dream. This legislation will shore up that American dream.

In closing, let me say this, our free enterprise system is what people in Eastern Europe and the Soviet Union were willing to risk their lives to have. We run all over it. We take it for granted. We mistreat it. We overtax it. We overregulate it. We overlitigate it. It is the goose that lays the golden egg of American opportunity, and that is our free enterprise system.

It is precious. This piece of legislation is the next great example of the difference between the two approaches of whether we hold up profit as a good word and the free enterprise system as really the anchor of our society. The free enterprise system; yes, you can go into business in this country; yes, you can make a profit. Greed is a bad word. Profit is a good word.

Let us quit treating profit like it is a bad word. The free enterprise system is what the other folks want to have. Let us treat it fairly. Let us give it what it needs. Let us treat these small business people with dignity, and let us lift this estate tax exemption as much as we can. I would say over time, let us just wipe it out, but let us take this next first step on Friday, and let us not let the demagogues win.

This is not about tax breaks for the wealthy. This is about working people that pay the taxes that pull the wagon, and we have to give them some help and get the government off their backs.

Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE) for everything he has done over the years in this institution in the Committee on Ways and Means. I appreciate what he has done for the free enterprise system in this country. I wish him all the best. I am proud of him for what he has done in his personal life. It is outstanding. I appreciate the opportunity.

Mr. CRANE. Mr. Speaker, I thank the gentleman from Tennessee (Mr. WAMP). I deeply appreciate his comments.

Mr. Speaker, I yield to our distinguished colleague, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the chairman, for putting this together tonight and for bringing this issue to this Congress.

I guess a year or two ago, we heard the demagogues say that the capital gains tax did not need to be cut; that it was going to cost necessary revenues for this country to run off. It was going to cause all kinds of economic chaos.

What happened when we cut the capital gains tax from 28 percent to 20 percent? It released capital. People began to sell properties and sell stocks and sell things that they paid capital gains on, because that 28 percent tax had been reduced to 20 percent. They were willing to pay 20 percent where they were not willing to pay 28 percent.

What happened the first year? \$38 billion of additional revenue came into the Federal Government. It did not cost to cut that tax. I think if we would have cut it to 15 percent last year as we talked, we probably would have increased revenues again. We certainly would have helped the growth of business.

Today and this week we are going to be dealing with the death tax, the estate tax. We are going to hear the same arguments, we heard it tonight, that it is about billionaires. It is not about billionaires. It is about small business, small farmers, small sawmills, small manufacturers, supermarket operators, locally-owned ones, locally-owned hardware stores, the people that are in our communities that serve on our borough councils, that serve on our local advisory boards, that serve in the recreations commission that give back to their community.

It is not corporate America. It is the local business people. We heard that it was about billionaires. Well, here are the numbers. 53 percent are 1 million or less, 39 percent are 1 million to 2½ million, 7 percent from 2½ million to 5 million, and 3.7 percent of the cases are over 5 million.

You do not have to have a very big business today to have a couple million dollar business. You can have 4 machines in a building, a couple of trucks and some other office equipment, and you have a several million dollar business. Let us say it is a family business and the children are involved. Oftentimes, the children helped grow the business.

It was a partnership between fathers and sons and mothers and daughters, and as they made this business grow and the parents passed on, the only way they could protect themselves was to spend a lot of capital and buy insurance to pay the taxes, and some do that. It takes money that they might need to buy another machine to expand to grow the business.

This tax is not about large corporations. The public-held corporations do not pay this tax. And where is the future of America? The future of America is small business. The strength and growth of our economy has been new businesses. The record of new businesses is not always real good. Indirectly small business owners, the major producers of most new jobs are forced to hire fewer workers than they desire because of the high capital costs associated with death taxes.

Likewise, with death of a small business owner, many employees lose their jobs when relatives of the deceased

owners are forced to liquidate the business to pay the death taxes. This occurrence is not rare; 70 percent of all businesses never make it past the first generation. 87 percent do not make it to the third generation, and only 1 percent make it to the fourth generation. One of the major reasons for this phenomenon appears to be the death tax.

A recent survey conducted by Prince & Associates demonstrated that 90 percent of successors to family-owned businesses that were forced to liquidate within 3 years of the original owner's death claiming that paying death taxes was one of the major culprits of the company's demise.

Now, when you stop and look at our individual communities, the backbone of our communities are not the national corporations, though we are fortunate if we have a plant there, or if they have businesses there, but the real strength of our communities are the local entrepreneurs, the local businesses, the local sawmill, the local hardware store, people who have lived their life there, who are vitally a part of that community.

Yes, one third of small business owners today will have to sell or liquidate part of their business to pay estate taxes. Half of those who liquidate to pay death taxes will have to eliminate 30 or more jobs. So if we want job growth, this is a tax that prohibits businesses from continuing the growth cycle they are on. Mr. Speaker, maybe they were a business that had two restaurants and were ready to go to number three, and one of the parents die, and suddenly they have to sell one of the restaurants to pay the death taxes.

They stop the growth cycle whenever they were going to go to restaurant number 4 or restaurant number 5, or they were going to add machine number 5 or machine number 6 that would have employed three more people, one more for each shift, and more people for the office and more people to truck the goods in and out.

It is a tax that makes no economic sense. It is also one that is not easy to collect. It costs considerable. It is 65 percent of the tax, 65 percent of the tax that is collected is costs of collection. That is not a very efficient tax. And when you want less of something, tax it heavily.

When you tax something 37 percent to 55 percent, you are going to have a whole lot less of it, and that is what we are doing to successful businesses in this country. We are taxing them 37 percent to 55 percent when they want to transfer that business from the parents at their death to the children. There is nothing right about that.

A study by George Mason University Professor Richard Wagner showed that eliminating the death tax would have a substantial impact on lowering the costs of capital and thus increase the health of the economy. Wagner found that within 8 years of eliminating the death tax, the gross domestic product would be \$80 billion larger than ex-

pected, resulting in the creation of 250,000 additional jobs and \$640 billion larger capital stock.

Ladies and gentlemen, cutting this tax will not lose revenue for this country. In the long run, it will be a stimulus to our country. It will help the small businesses who are competing with the large corporate entities of this world. The future lies with the Bill Gates' of the future who may start in their garage, who may start in a little warehouse someplace in the corner of it and start to grow a new business, providing new service, with a new concept, a new idea, and when suddenly that generation passes on, the next generation can continue.

Yes, even liberals support this. A University of Southern California Law Professor Edward McCaffrey, a self-described liberal, stated in testimony before the Senate Committee on Finance recently, the death tax discourages behavior that a liberal democratic society ought to like. It discourages work. It discourages savings. It discourages bequests, and it encourages behavior that such a society ought to suspect, the large scale consumption, leisure, giving of the very rich. It is a tax on working and savings without consumption. It is a tax on thrift, on long-term savings.

There is no reason, even a liberal populace supports it. The current gift and estate tax does not work. It is a deep tension with liberal ideals and lacks strong popular or political support; that is from a liberal.

Ladies and gentlemen, it is time for us to do away with the death tax. It will have a positive economic impact on the future growth of America. It will grow new jobs. It will inspire our economy to grow, and it is time we eliminate it.

□ 2145

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague for his remarks. In conclusion, I would simply like to pay tribute to our colleagues, the gentlewoman from Washington (Ms. DUNN) and the gentleman from Tennessee (Mr. TANNER) who are cosponsors of H.R. 8. It has had bipartisan cosponsorship from the outset, and I look forward to good, strong bipartisan support on Friday when we finally eliminate this obscene component of our Tax Code.

CONCERNS OVER SOCIAL SECURITY CHANGES PROPOSED BY GOVERNOR BUSH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to discuss my concerns over the changes in Social Security that have been proposed by Governor Bush of Texas.

Mr. Speaker, as we know, Social Security has lifted millions of seniors out of poverty. It is by far the most successful economic program ever passed by Congress, and the reason for its success is simple. It offers a guaranteed benefit for every American retiree. More than half of all Americans, especially working families, have no retirement savings beyond Social Security. Without the guaranteed income provided by Social Security, millions of seniors could fall through the cracks, left to live out their lives in poverty.

Recently, Governor Bush proposed a Social Security plan that would undermine Social Security, in my opinion, and simultaneously threaten our thriving economy. By diverting funds from the Social Security Trust Fund to set up individual retirement accounts, Bush's plan would hasten the insolvency of the Social Security Trust Fund and force seniors to question, rather than to count on, their Social Security benefits.

Now, Governor Bush has also proposed a tax cut that would cost an estimated \$1.7 billion. When combined with the cost of his individual retirement accounts, Governor Bush's plan would spend more than 3 times the projected surplus over the next 10 years. That money would come directly out of the Social Security Trust Fund, weakening the program even further, and leaving little room in the budget for other priorities like the prescription drug benefit under Medicare and investment in education.

In my opinion, Mr. Speaker, no plan that would endanger the guarantees of Social Security or rob the trust fund and leave other priorities unfunded can possibly be taken seriously, and that is why I think it is important, Mr. Speaker, that Democrats fight this dangerously ill-conceived proposal every step of the way. Myself and other Members on our side of the aisle will be here frequently over the next few weeks and the next few months speaking out against Governor Bush's proposal.

Mr. Speaker, I wanted to discuss some of the major problems that I see associated with replacing part of Social Security with individual accounts the way that Governor Bush has proposed, and I would like to just get into a little more detail about some of these problems this evening.

First, I would point out that individual accounts would mean massive cuts in Social Security benefits. Using a portion of the payroll tax to fund individual accounts would divert vitally important financial resources away from Social Security and would make Social Security's financial shortfall much worse. We know that we are eventually going to have a shortfall in Social Security and we have to find some way of shoring up the fund to make sure that the money is available. Well, what the Bush individual accounts plan does is to basically make the financing shortfall even worse.

For instance, redirecting 2 percentage points of the current payroll tax

into individual accounts without other program changes would more than double Social Security's currently projected long-range deficit of 1.89 percent of taxable payroll. To make up for this lost payroll tax revenue, individual account plans would also have to impose dramatic cuts in Social Security benefits. One such plan introduced in the 105th Congress would have reduced Social Security benefits by one-third for an average wage worker retiring in 2025. I want to repeat that. It would reduce Social Security benefits by one-third for an average wage worker retiring in 2025. This is why I say that Bush's plan is so radical, because rather than having a guaranteed level of money that would come to you, a guaranteed income that would come to you, you could likely see a one-third cut in that income that you are expecting.

Now, some claim that Governor Bush could avoid cutting Social Security benefits by relying on anticipated budget surpluses to finance individual accounts. We know that there is going to be a significant and ever-growing surplus, assuming the economy continues to be good. But the problem is that Governor Bush has already made commitments during his campaign for President that would preclude the use of budget surpluses for that purpose.

First, he has offered a variety of tax proposals that, all told, would cost roughly \$1.7 trillion from the years 2002 through 2010; \$800 billion in excess of projected non-Social Security surpluses over the same period. So the money is simply not there from the surplus to shore up Social Security or to pay for these individual accounts because he has already said that he wants to use it for these tax cuts, primarily for wealthy individuals and corporations.

Also, Governor Bush has pledged to protect future Social Security surpluses by placing them in a lockbox, thus neither surpluses from Social Security nor outside of the program would be available to finance individual accounts if Governor Bush intends to keep his other campaign promises.

Mr. Speaker, it just does not add up. On the one hand, Governor Bush proposes taking a percentage of the trust fund and using it for individual savings accounts; there is no money to pay for that, and it would actually force us to have less benefits for recipients in the future. On the other hand, he cannot use the surplus to make up for that because he already has this huge tax plan that would use up most of the surplus.

Now, the next problem I would like to discuss, Mr. Speaker, is that individual accounts would force Americans to bear greater risk. Social Security protects against a host of risks: the risk of death or disability, the risk of low lifetime earnings, the risk of unexpectedly long life, the risk of inflation. Now, individual accounts would undermine these protections and would add the uncertainty of market risk to the program. Advocates of individual ac-

counts argue that since fluctuations in the stock market average out over time, that individual investment risk is negligible. Well, I do not think that is true at all. I think it is highly risky and a lot of people do not realize what the risk is.

Averages, essentially, are misleading. For every person whose investments perform above average, there is another person counting on Social Security whose investments perform below average with the stock market. Averages also ignore timing and the millions of Americans who might retire during a downturn in the stock market. Now, just to give some examples, and I use an example from the Congressional Budget Office. There were 15 years in the past century, 1908 through 1912; 1937 through 1939; 1965 through 1966; 1968 through 1973, in which the real value of the stock market fell by more than 40 percent over the preceding decade. Moreover, if we look at the AARP's Center for Retirement Research, they point out that between January 1973 and September of 1976, the stock market declined by 43 percent and did not return to its 1972 high for almost 10 years. And then, just as another source of data on this problem, the General Accounting Office observes that over the past 70 years or so, stock returns were negative in nearly one out of 4 years. So anyone who tells us that this is not a risky venture, that this investment does not pose potential problems for the money that one invests in these individual accounts, is simply not looking at the historical record.

Another major problem I would like to mention this evening, Mr. Speaker, is that individual accounts would be expensive to administer. The governor does not say how he is administering or where the money is coming from to pay for administering these individual accounts. When he announced his Social Security principles, Governor Bush failed to specify the structure or the institutions he would create to oversee individual accounts. This should come as no surprise, since the administration of such accounts would impose new and substantial burdens on employers, workers, and to the Federal Government. Even administrative charges that appear small at the outset add up over time. An annual fee of 1 percent of assets under management over the course of a 40-year career would absorb 20 percent of the worker's individual account. So once again, this all sounds very nice in theory, but in practice, the reality is that the money just is not there.

Mr. Speaker, another problem I would like to point out tonight is that individual accounts would cripple efforts to eliminate the national debt. This is such an important reason why Governor Bush's proposal should not be adopted, because we are now paying down the national debt for the first time in anyone's memory, and this is a significant factor in keeping the econ-

omy going and letting the economy grow. In the absence of benefit cuts, diverting a portion of the Social Security payroll tax into individual accounts would lead to significantly smaller Social Security surpluses and to the rapid depletion of the Social Security Trust Fund.

According to the Center on Budget and Policy Priorities, if the current payroll tax were reduced by 2 percentage points to fund individual accounts, which is what Governor Bush has proposed, and if the current payroll tax were reduced by 2 percentage points in that way, the assets in the Social Security Trust Funds would be exhausted in 2023, well before the currently expected date of 2037. Moreover, Social Security benefit payments would begin to exceed payroll tax revenue by 2005, a decade earlier than what is now projected. So again, the money is not there. If we start taking the money away from these individual accounts, Social Security is going to become insolvent a lot sooner.

Mr. Speaker, this has direct implications on the ability to pay down the national debt. Reduced Social Security surpluses and an earlier date of trust fund exhaustion necessarily implies less debt reduction. The Federal Government has been able to begin retiring decades of debt only because of large Social Security surpluses and fiscal discipline in the rest of the budget. Less debt reduction necessarily implies higher interest costs and using payroll taxes to fund individual accounts would mean that billions of dollars would be used for interest payments on the debt, rather than for critical investments in our Nation's future.

Now, the President, President Clinton has suggested a plan that would dedicate all projected Social Security surpluses to debt reduction. The President's plan would not only extend Social Security solvency until 2054, but it would also eliminate the debt held by the public by 2013. The combination of Governor Bush's tax proposal and his Social Security principles would make it impossible to eliminate the publicly-held debt that quickly.

When I talk to my constituents, they all tell me the same thing. They want to make sure that Social Security is there for them when they retire. Well, if we implement Governor Bush's plan, it will not be there because the insolvency will occur even earlier, and, worse than that, we do not pay down the national debt, which I think is a major factor in our ability to keep the economy going and to continue growth in our economy.

Mr. Speaker, I would like to point this evening to an analysis that was done by the Social Security Network. The Social Security Network is a project of the Century Foundation. Basically, they did an analysis recently that evaluates the diversion of 2 percentage points of the current Social Security payroll tax into individual accounts. Now, Governor Bush has not

specified how large his proposed individual accounts would be, but the Bush campaign has used examples involving the 2 percentage points, and that is why I use that 2 percentage points, and that is why the Social Security network used the 2 percentage points in its analysis. But this analysis, and I should also say, before I get into this analysis a little more, that the calculations it uses, if anything, underestimate the cuts in Social Security benefits likely to occur under a Bush-like individual account plan.

But what this analysis by the Social Security network suggests is the following: first, if Social Security benefits were cut equally for all workers age 55 or younger in 2002, benefits would have to be cut by 41 percent to maintain the solvency of Social Security over the next 75 years.

□ 2200

So here again, their analysis shows we are going to have an even greater problem maintaining the solvency of social security.

To avoid a sharp reduction in retirement income for older workers that would result from this, benefit cuts could be phased in. Because less would be saved in early years, reductions for younger workers would have to be larger to ensure that social security remains solvent over the next 75 years.

For example, under one plausible phase-in approach, social security benefits would have to be reduced by 29 percent for those 50 years old in 2002, and by 54 percent for those 30 years old or younger. So what we are saying is if we do not do this all at once but we phase it in, then the consequence on younger workers is even greater in terms of the amount of benefits they are going to have when they retire.

Not only would the average benefits be cut relative to current law under the Bush proposal, but workers would also have to shoulder substantially increased risk under individual accounts. In other words, benefits might be smaller or larger than under current law.

Here again, the Social Security Network gives us some examples. If holders of individual accounts suffer from market returns as low as the worst 35-year period since World War II, the total benefit reduction, including the individual account income, for 30-year-old single average earners would be 38 percent rather than 28 percent. So depending on the market fluctuations, and if we use the period before World War II as an example, we could have as much as a 38 percent reduction in the benefits that we get.

Then the Social Security Network has another example. If, on the other hand, individual account holders enjoy market returns as good as the best of the 35 years since World War II, so now we are going in the opposite direction, instead of using the worst years prior to World War II we are using the best years after World War II, including now, the income for 30-year-old single average earners would be about the same as under current law.

So what are we gaining? What this is essentially saying in this analysis is if we use the best years since World War II, you would not gain anything. If we use the worst years prior to World War II, we could have as much as a 38 percent reduction. There is no benefit.

The problem is that everyone, that Governor Bush is relying on people's assumptions about the economy in the last 5 or 10 years, when things have been the best they have ever been. There is no guarantee that is going to continue over the life of the program before somebody who is younger retires, which could be 35, 40 years.

The conclusion is that Governor Bush's proposal could cut social security benefits by more than 50 percent for young workers, and the proceeds from the individual account would on average make up only a portion of that cut while exposing individuals to significant risk. This is from, as I said, the Social Security Network's analysis.

Mr. Speaker, I did not intend to take up a lot of time tonight because I intend to come back and keep talking about this on other occasions, but I just wanted to say in conclusion, Mr. Speaker, that the bottom line is that Governor Bush's social security proposal simply does not add up. Most of the surplus for tax cuts plus most of the surplus for a risky social security plan equals too much of the Federal budget. We cannot take the money from this tax plan and at the same time have a huge tax cut and end up with anything but less benefits for the average social security recipient.

If we take these two things together, his social security plan and the tax cut, we swallow up the surpluses whole for the next 10 years, and we use a significant portion of the social security surplus as well, so both the general revenue and the social security surplus would be used up.

Devoting all the surplus to these two plans, the Governor's social security plan and the tax cut plan, means leaving nothing at all for the rest of the budget. The combination would leave no room for other vital priorities like the Medicare prescription drug benefit or more funding for new teachers and modern classrooms.

In addition to the fact that it does not add up for the recipient, who would probably end up with cuts in their benefits, it also means that money is not going to be available to expand Medicare, which I think, Mr. Speaker, we know that many of our constituents, most of our constituents, are saying that they would like Medicare to be expanded to include prescription drugs.

There is no way we could do that if we adopted Bush's social security plan as well as his tax cut, because there would not be any money left over to do that, to help seniors with a program under Medicare that would pay for their prescription drugs.

Of course, that does not even take into account other priorities that affect the general population, like the need for more money for education to

go back to local schools so they can have smaller class sizes by hiring more teachers, or the need to pay for school construction and give money to the local schools so they can renovate school buildings and upgrade the infrastructure for the Internet, and those types of things.

Nothing would be left. This would just take up everything, and for no reason, for no actual benefit to the average senior citizen.

I just think that the Governor's proposal for social security is extremely radical. It does not add up. I just hope that over the next few months that we are able to expose this so the American people realize this, because it should not be enacted, and it certainly should not be the basis for any policy program by Governor Bush or anyone else.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2357

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 57 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-657) on the resolution (H. Res. 518) providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-658) on the resolution (H. Res. 519) providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for June 6 before 4:00 p.m. on account of official business.

Mr. ENGLISH (at the request of Mr. ARMEY) for today until 3:00 p.m. on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BACA, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today and June 8.

Mr. BURTON of Indiana, for 5 minutes, June 14.

Mrs. JOHNSON of Connecticut, for 5 minutes, June 8.

(The following Members (at their own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2311. An act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes; to the Committee on Commerce.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8032. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—2000 Amendments to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports [CN-00-002] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8033. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas and Treatment Dosage [Docket No. 99-078-2] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8034. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas [Docket No. 00-007-1] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8035. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Utilization of Indian Organizations and Indian-Owned Economic Enterprises [DFARS Case 99-D300] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8036. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General David J. Kelley, United States Army; to the Committee on Armed Services.

8037. A letter from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—The State Vocational Rehabilitation Services Program (RIN: 1820-AB14) received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8038. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 00-7013; Notice 1] (RIN: 2127-AG70) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8039. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Iranian Transactions Regulations: Licensing of Imports of, and Dealings in, Certain Iranian-Origin Foodstuffs and Carpets—received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8040. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department of Labor's Inspector General covering the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8041. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the Fiscal Year 1999 Annual Report, pursuant to D.C. Law 12-152; to the Committee on Government Reform.

8042. A letter from the Associate General Counsel, Department of Treasury, transmitting the Department's final rule—Disclosure of Records: Freedom of Information Act (RIN: 1505-AA76) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8043. A letter from the Director, Administrative Office of the U.S. Courts, transmit-

ting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1999, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

8044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Andrews-Murphy, NC [Airspace Docket No. 00-ASO-4] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Secretary of Transportation, transmitting the Reports on Traffic Flow and Safety Applications of Road Barriers; to the Committee on Transportation and Infrastructure.

8046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Supplemental Information on Revenue Procedure 2000-12 for Prospective Qualified Intermediaries [Announcement 2000-48] received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reorganizations; Nonqualified Preferred Stock: Plain Language Summary—received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8048. A letter from the Chief Executive Officer, Corporation For National Service, transmitting the annual reports for 1999; jointly to the Committees on Education and the Workforce and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Reports on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106-656). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 518. Resolution providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-657). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 519. Resolution providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period (Rept. 106-658). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on International Relations, Banking and Financial Services, the Judiciary and Armed Services discharged. H.R. 984 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3125. A bill to prohibit Internet gambling, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 23, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. (Rept. 106-655, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1656. Referral to the Committees on Commerce and Education and the Workforce extended for a period ending not later than June 9, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP:

H.R. 4592. A bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Commerce.

By Mrs. CLAYTON:

H.R. 4593. A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991, to require the Equal Employment Opportunity Commission to mediate employee claims arising under such Acts; and for other purposes; to the Committee on Education and the Workforce.

By Ms. DEGETTE (for herself, Mr. NETHERCUTT, Mr. LAFALCE, and Mr. WELDON of Pennsylvania):

H.R. 4594. A bill to amend the Public Health Service Act with respect to reducing the burden of diabetes among children and youth; to the Committee on Commerce.

By Mr. ISAKSON:

H.R. 4595. A bill to suspend temporarily the duty on nelfilcon polymer; to the Committee on Ways and Means.

By Ms. MCKINNEY (for herself, Mr. SANDERS, Mr. KUCINICH, Mr. JACKSON of Illinois, Mr. WYNN, Ms. CARSON, Mrs. MEEK of Florida, Mr. STARK, Mr. EVANS, Mrs. MINK of Hawaii, Mr. OWENS, Mr. DEFazio, Mr. FILNER, Mr. PAYNE, and Mr. NADLER):

H.R. 4596. A bill to require nationals of the United States that employ more than 20 persons in a foreign country to implement a Corporate Code of Conduct with respect to the employment of those persons, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Government Reform, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4597. A bill to amend the Fair Labor Standards Act of 1938 to protect employees who seek equal wages under that Act; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself, Mrs. THURMAN, Mr. FOLEY, Mr. TANNER, Mr. CAMP, Mr. RAMSTAD, Mr. MCCRERY, and Mr. LEWIS of Kentucky):

H.R. 4598. A bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CONYERS, Ms. CARSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. WYNN, Ms. LEE, Ms. MCKINNEY, Mr. TOWNS, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mr. LAMPSON, Mrs. MINK of Hawaii, Mr. ROTHMAN, Ms. BALDWIN, Mr. CLYBURN, Mr. GILMAN, Mr. DINGELL, Ms. BERKLEY, and Mr. BONIOR):

H. Con. Res. 347. Concurrent resolution expressing the sense of the Congress regarding the need to pass legislation to increase penalties on perpetrators of hate crimes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. PORTER, Mr. LANTOS, Mr. PAYNE, Mr. LAHOOD, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. GILLMOR, Mrs. LOWEY, Mr. MCGOVERN, Ms. NORTON, Mr. CAPUANO, Ms. LOFGREN, Mr. WAXMAN, Mr. BERMAN, Mr. SANDERS, Mr. CROWLEY, Mr. MCDERMOTT, Mr. ENGEL, Mr. STARK, Mr. OWENS, Ms. SLAUGHTER, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Ms. MCKINNEY, Mrs. MORELLA, Mr. MOAKLEY, Ms. RIVERS, Mrs. MEEK of Florida, Ms. PELOSI, Ms. LEE, and Mr. GONZALEZ):

H. Con. Res. 348. Concurrent resolution expressing condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights; to the Committee on International Relations.

By Mr. MOORE (for himself, Ms. MCCARTHY of Missouri, and Mr. MORAN of Kansas):

H. Res. 517. A resolution expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

336. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 1 memorializing the United States Congress to provide funds sufficient to relieve Utahns of the devastating economic impact of the state's cricket and grasshopper infestation; to the Committee on Agriculture.

337. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States that any Federal Legislation designating wilderness in the west desert region of Utah at a minimum provides certain protections; to the Committee on Resources.

338. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the Director of the Idaho Office of the Bureau of Land Management, the Senate and the House of Representatives of the United States in Congress Assembled, and to the Congressional Delegation of the State of Idaho to eliminate the grazing limit permits with a reduction of the grazing season by two and one-half months; to the Committee on Resources.

339. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 17 memorializing the Congress that February 21 is designated as "Stand Up for Steel" day; to the Committee on Ways and Means.

340. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 memorializing the Senate and the House of Representatives to request the United States Forest Service not move forward with the final rule based on the October 5, 1999, proposal; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GRAHAM introduced a bill (H.R. 4599) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Tokeena*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. LEACH, Mr. SAWYER, and Mr. BENTSEN.

H.R. 116: Mr. HOLT, Mr. BAIRD, Mr. EHRlich, Mr. BACA, Mr. KLING, Mr. OWENS, Mr. DOYLE, Ms. JACKSON-LEE of Texas, and Mr. LOBIONDO.

H.R. 125: Mr. BORSKI.

H.R. 141: Mr. LOBIONDO and Mr. NEAL of Massachusetts.

H.R. 218: Mr. ETHERIDGE.

H.R. 229: Ms. PELOSI.

H.R. 230: Ms. RIVERS.

H.R. 303: Mr. PASCRELL and Mr. HAYES.

H.R. 488: Ms. BERKLEY.

H.R. 534: Mr. LUTHER, Mr. LOBIONDO, Mr. GRAHAM, Mr. CHAMBLISS, and Mr. INSLEE.

H.R. 654: Mr. DEMINT.

H.R. 792: Mr. BOEHNER.

H.R. 828: Mr. KANJORSKI.

H.R. 954: Mr. PAYNE.

H.R. 1178: Mr. SHADEGG and Mrs. CHENOWETH-HAGE.

H.R. 1217: Ms. DEGETTE, Ms. BROWN of Florida, and Mr. NORWOOD.

H.R. 1248: Mr. HALL of Texas.

H.R. 1285: Mr. PASTOR.

H.R. 1322: Mr. MCINNIS, Mr. BACA, and Mr. DICKS.

H.R. 1371: Mr. CAPUANO.

H.R. 1396: Ms. MCCARTHY of Missouri, Mr. ROTHMAN, Ms. BERKLEY, and Mr. HOEFFEL.

H.R. 1485: Mr. WATT of North Carolina.

H.R. 1531: Mr. STUPAK.

H.R. 1798: Mr. TAUZIN and Mr. HILLIARD.

H.R. 1914: Mr. GERGER.

H.R. 1976: Mr. NADLER.

H.R. 1994: Ms. CARSON.

H.R. 2298: Ms. MILLENDER-MCDONALD.

H.R. 2321: Mr. WYNN.

H.R. 2355: Mr. MINGE.

H.R. 2382: Mr. BLILEY.

H.R. 2402: Mr. CALVERT.

H.R. 2543: Mr. SHAYS and Mr. ADERHOLT.

H.R. 2562: Mr. PRICE of North Carolina.

H.R. 2597: Mr. BARTLETT of Maryland.

H.R. 2720: Mr. PETERSON of Minnesota, Mr. WYNN, Mr. LARSON, Mr. BRYANT, and Mr. MINGE.

H.R. 2802: Mr. WYNN.

H.R. 2892: Mr. GREEN of Texas.

H.R. 2909: Mr. BOEHLERT.

H.R. 2969: Mr. FILNER.

H.R. 3032: Mr. NADLER.

H.R. 3065: Mr. CHABOT.

H.R. 3082: Mr. NUSSLE.

H.R. 3125: Mrs. FOWLER and Mr. GILCHREST.

H.R. 3193: Mr. SWEENEY and Mr. FORBES.

H.R. 3508: Mr. UDALL of Colorado.

H.R. 3514: Mr. DICKS.
 H.R. 3571: Mrs. MEEK of Florida.
 H.R. 3573: Mr. REYES.
 H.R. 3593: Mr. DOOLEY of California.
 H.R. 3634: Mr. BOUCHER.
 H.R. 3667: Mr. SYNDER.
 H.R. 3766: Mr. MALONEY of Connecticut, Mr. EDWARDS, and Mr. LOBIONDO.
 H.R. 3809: Mr. GILCHREST.
 H.R. 3825: Ms. JACKSON-LEE of Texas.
 H.R. 3842: Mr. BOYD, Mr. ANDREWS, Mr. NORWOOD, Mr. BOEHLERT, Mr. COYNE, Mr. DELAHUNT, Mr. HILL of Indiana, Mr. POMEROY, Mr. NUSSLE, and Mr. SESSIONS.
 H.R. 3861: Mr. OLVER.
 H.R. 3874: Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. ALLEN, and Mr. BERRY.
 H.R. 3875: Mr. DEFazio and Mr. RODRIGUEZ.
 H.R. 4001: Mr. ENGEL, Ms. MCKINNEY, Mr. HINCHEY, Mr. OWENS, Mr. FROST, and Mr. DINGELL.
 H.R. 4012: Mr. KLINK and Mr. SANDERS.
 H.R. 4013: Mr. GEORGE MILLER of California, Mr. PALLONE, and Mr. RAMSTAD.
 H.R. 4046: Mr. PORTER, Ms. LEE, Mr. MORAN of Virginia, Mr. EVANS, Mr. HINCHEY, and Mr. MCGOVERN.
 H.R. 4066: Mr. RUSH, Ms. KIKPATRICK, Mr. OLVER, and Mr. LANTOS.
 H.R. 4132: Mr. SCHAFER, Mr. UNDERWOOD, Mrs. CHRISTENSEN, and Mr. GIBBONS.
 H.R. 4167: Mr. UPTON, Mr. RANGEL, Mr. FOLEY, Mr. BAIRD, Mr. LANTOS, and Mr. FILER.
 H.R. 4170: Mr. DREIER and Mr. LARGENT.
 H.R. 4172: Mr. DAVIS of Illinois, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. OWENS, Mr. WYNN, Mr. BLAGOJEVICH, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, and Mr. PASTOR.
 H.R. 4178: Mr. RANGEL.
 H.R. 4183: Mr. MOORE.
 H.R. 4184: Mr. DOYLE and Mr. MCCOLLUM.
 H.R. 4207: Mr. NETHERCUTT and Mr. STUPAK.
 H.R. 4210: Ms. BERKLEY and Mr. LARSON.
 H.R. 4239: Mr. WEINER.
 H.R. 4282: Mr. GARY MILLER of California.
 H.R. 4289: Ms. KAPTUR, Mr. BARRETT of Wisconsin, Ms. MCCARTHY of Missouri, Mrs. MEEK of Florida, Mr. CONYERS, Mr. SPRATT, Mr. SCOTT, Mrs. CHRISTENSEN, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. ABERCROMBIE, Mr. DICKS, and Ms. LEE.
 H.R. 4302: Mr. MALONEY of Connecticut.
 H.R. 4313: Mr. FILNER, Mrs. MEEK of Florida, Mr. BLUNT, and Mr. JENKINS.
 H.R. 4320: Ms. LEE.
 H.R. 4328: Mr. ISAKSON and Mrs. MEEK of Florida.
 H.R. 4334: Mr. MASCARA.
 H.R. 4374: Mr. REYES.
 H.R. 4384: Mr. BARTLETT of Maryland, Mr. MOAKLEY, Mr. WYNN, Mr. BERMAN, Mr. NEAL of Massachusetts, Mr. DIXON, Mr. RAHALL, Mr. LEACH, Mr. GUTKNECHT, Mrs. CAPPS, and Mr. SKELTON.
 H.R. 4406: Mr. FROST and Mr. NADLER.
 H.R. 4429: Mr. BAIRD.
 H.R. 4465: Mrs. MYRICK.
 H.R. 4466: Mrs. MYRICK and Mr. GOODE.
 H.R. 4467: Mr. MCINNIS and Mr. MINGE.
 H.R. 4488: Mrs. MALONEY of New York and Mr. WYNN.
 H.R. 4492: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 4529: Ms. NORTON.
 H.R. 4531: Mr. ROYCE.
 H.R. 4547: Mr. SENSENBRENNER.
 H.R. 4557: Mr. HINCHEY.
 H.R. 4560: Mr. GREEN of WISCONSIN.
 H.R. 4566: Mr. LARSON and Mr. PASCRELL.
 H.R. 4567: Mr. MCGOVERN and Mrs. CAYTON.
 H.R. 4569: Mr. HOYER.
 H. Con. Res. 266: Mr. HOEKSTRA.

H. Con. Res. 286: Mr. HOFFEL.
 H. Con. Res. 297: Mr. SCHAFER, Mr. HORN, Mr. LANTOS, Mr. PICKERING, Mr. TIAHRT, Mr. FROST, Mr. DINGELL, Mrs. JOHNSON of Connecticut, and Ms. KAPTUR.
 H. Con. Res. 308: Ms. PELOSI and Mr. WEXLER.
 H. Con. Res. 321: Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MCINTYRE, Mr. DAVIS of Illinois, Mr. RAMSTAD, Ms. DEGETTE, Mr. BOSWELL, Mr. SCHAFER, Mr. FRELINGHUYSEN, Mr. BACA, Mr. DEMINT, Mr. BARTON of Texas, Mrs. MALONEY of New York, Mr. HANSEN, Mr. BAKER, and Mrs. LOWEY.
 H. Con. Res. 327: Mr. MCGOVERN, Mr. CALAHAN, Mr. SAXTON, Mr. GREEN of Texas, Mr. SUNUNU, Mr. MEEHAN, Mr. LIPINSKI, Mr. KLECZKA, Mr. BUYER, Mr. FROST, and Mr. WHITFIELD.
 H. Con. Res. 341: Mr. LEACH.
 H. Res. 205: Mr. NEY.
 H. Res. 414: Mr. NADLER, Mr. HILLIARD, and Mr. UDALL of Colorado.
 H. Res. 415: Mr. GILCHREST, Ms. ESHOO, Mrs. CHRISTENSEN, and Mrs. CAPPS.
 H. Res. 458: Mr. BARRETT of Wisconsin, Mr. KING, Mr. PRICE of North Carolina, Mr. WOLF, Mr. GEJDENSON, and Mr. GREEN of Wisconsin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. ALLEN

AMENDMENT NO. 24: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

H.R. 4577

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 4: Page 49, after line 12, insert the following new section:

SEC. 214. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", and increasing the amount made available for "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES" (to be used for a block grant to the Inner City Cardiac Satellite Demonstration Project operated by the State of New Jersey, including creation of a heart clinic in southern New Jersey), by \$40,000,000.

H.R. 4577

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title), the following new section:

SEC. 518. None of the funds in this Act may be used to make payments to a Medicare+Choice organization offering a Medicare+Choice plan with respect to which the Secretary finds the organization to be out of compliance with requirements of part C of title XVIII of the Social Security Act pursuant to an audit conducted under sec-

tion 1857(d) of such Act (42 U.S.C. 1395w-27(d)).

H.R. 4577

OFFERED BY: MR. BASS

AMENDMENT NO. 6: Page 2, line 13, after the dollar amount, insert the following: "(reduced by \$42,000,000)".

Page 2, line 14, after the dollar amount, insert the following: "(reduced by \$42,000,000)".

Page 20, line 11, after the first dollar amount, insert the following: "(reduced by \$134,000,000)".

Page 22, line 7, after the dollar amount, insert the following: "(reduced by \$10,000,000)".

Page 24, line 7, after the first dollar amount, insert the following: "(reduced by \$130,000,000)".

Page 31, line 23, after the dollar amount, insert the following: "(reduced by \$75,000,000)".

Page 51, line 21, after each dollar amount, insert the following: "(reduced by \$78,000,000)".

Page 52, line 12, after each dollar amount, insert the following: "(reduced by \$480,000,000)".

Page 52, line 18, after the dollar amount, insert the following: "(reduced by \$450,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(reduced by \$30,000,000)".

Page 53, line 17, after the first dollar amount, insert the following: "(increased by \$1,011,000,000)".

Page 53, line 17, after the second dollar amount, insert the following: "(increased by \$1,001,000,000)".

Page 53, line 20, after the dollar amount, insert the following: "(increased by \$10,000,000)".

Page 55, line 2, after the dollar amount, insert the following: "(reduced by \$3,000,000)".

Page 55, line 10, after the first dollar amount, insert the following: "(reduced by \$22,000,000)".

Page 55, line 11, after the dollar amount, insert the following: "(reduced by \$22,000,000)".

Page 58, line 3, after the dollar amount, insert the following: "(reduced by \$7,000,000)".

H.R. 4577

OFFERED BY: MR. BASS

AMENDMENT NO. 7: Page 53, line 17, after each dollar amount, insert the following: "(increased by \$200,000,000)".

Page 57, line 14, after the first dollar amount, insert the following: "(reduced by \$200,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 8: Page 2, line 13, after the dollar amount, insert the following: "(increased by \$1,026,078,000)".

Page 2, line 14, after the dollar amount, insert the following: "(increased by \$572,578,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by \$453,500,000)".

Page 2, line 18, after the dollar amount, insert the following: "(increased by \$253,500,000)".

Page 2, line 19, after the dollar amount, insert the following: "(increased by \$200,000,000)".

Page 3, line 4, insert before the period the following:

: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers

Page 4, line 16, after the first dollar amount, insert the following: "(increased by \$154,000,000)".

Page 4, line 16, after the second dollar amount, insert the following: "(increased by \$50,000,000)".

Page 5, line 9, after the dollar amount, insert the following: "(increased by \$154,000,000)".

Page 5, line 10, after the dollar amount, insert the following: "(increased by \$50,000,000)".

Page 16, beginning on line 21, strike "up to \$7,241,000 for the President's Committee on Employment of People With Disabilities, and including".

Page 16, line 24, after the dollar amount, insert the following: "(increased by \$14,361,000)".

Page 18, line 14, after the first dollar amount, insert the following: "(increased by \$5,364,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 9: Page 16, line 24, after the dollar amount, insert the following: "(increased by \$97,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 10: Page 20, line 11, after the first dollar amount, insert the following: "(increased by \$244,000,000)".

Page 33, line 19, after the dollar amount, insert the following: "(increased by \$36,000,000)".

Page 34, strike the proviso beginning on line 16.

Page 40, line 25, after the dollar amount, insert the following: "(increased by \$175,000,000), of which not less than \$125,000,000 shall be for an expanded focus on respite and other assistance for families of vulnerable elderly, as authorized by section 341 of the Older Americans Act of 1965".

Page 72, line 21, after the dollar amount, insert the following: "(increased by \$156,000,000)".

Page 73, line 19, after the dollar amount, insert the following: "(increased by \$156,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 11: Page 31, after line 23, insert the following:

In addition, \$600,000,000 for such purposes: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 12: Page 37, line 19, after the dollar amount, insert the following: "(increased by \$417,328,000)".

Page 39, line 10, after the dollar amount, insert the following: "(increased by \$600,000,000)".

Page 39, line 17, after the dollar amount, insert the following: "(increased by \$600,000,000)".

Page 49, line 20, after the dollar amount, insert the following: "(increased by \$400,000,000)".

Page 50, line 11, after the dollar amount, insert the following: "(increased by \$416,000,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by \$416,000,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by \$416,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 13: Page 49, strike lines 1 through 12 (section 213).

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 14: Page 49, line 20, after the dollar amount, insert the following: "(increased by \$65,000,000)".

Page 49, line 21, after the dollar amount, insert the following: "(increased by \$65,000,000)".

Page 52, line 7, after "titles" insert "II,".

Page 52, line 12, after each of the two dollar amounts, insert the following: "(increased by \$960,000,000)".

Page 52, strike the proviso beginning on line 17 and insert the following: "*Provided*, That of the amount appropriated, \$960,000,000 shall be for title II of the Elementary and Secondary Education Act of 1965, notwithstanding any other provision of law, for State formula grants and other competitive grants subject to such terms and conditions as the Secretary of Education shall establish to improve the knowledge and skills of such individuals as early childhood educators, teachers, principals, and superintendents, and for teacher recruitment and retention activities: *Provided further*, That of the amount appropriated, \$2,115,750,000 shall be for title VI of the Elementary and Secondary Education Act of 1965, of which \$1,750,000,000 shall be available, notwithstanding any other provision of law, to reduce class size, particularly in the early grades, using fully qualified teachers to improve educational achievement for regular and special needs children in accordance with section 310 of Public Law 106-113".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 15: Page 53, after line 14, insert the following:

SCHOOL RENOVATION

For grants and loans to carry out school renovation under title XII of the Elementary and Secondary Education Act of 1965, \$1,300,000,000, which shall become available on July 1, 2001 and shall remain available until expended, of which (1) \$50,000,000 shall be for grants to local educational agencies (as defined in section 8013(9) of such Act) in which the number of children determined under section 8003(a)(1)(C) of such Act constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year; (2) \$125,000,000 shall be for grants to local educational agencies (other than those eligible under paragraph (1)); and (3) \$1,125,000,000 shall be for the costs of direct loans to local educational agencies: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$7,000,000,000: *Provided further*, That notwithstanding any provision of titles XII and XIV of the Elementary and Secondary Education Act of 1965, the Secretary of Education shall make these grants and loans subject to such terms and conditions as the Secretary shall establish.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 16: Page 53, line 17, after each of the two dollar amounts, insert the following: "(increased by \$1,510,315,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 17: Page 56, line 13, after the dollar amount, insert the following: "(increased by \$938,000,000)".

Page 56, line 16, after the dollar amount, insert the following: "(increased by \$300)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____ It is the sense of the House of Representatives that tax reductions for taxpayers in the top 1 percent of income levels should not be enacted until the Congress enacts a universal voluntary prescription drug benefit for all Americans under Medicare.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 19: Page 2, line 13, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 20: Page 16, line 24, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 21: Page 20, line 11, after the first dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 22: Page 25, line 13, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: Page 31, line 23, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: Page 37, line 19, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: Page 49, line 20, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: Page 49, line 20, after the dollar amount, insert the following: "(increased by \$1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: Page 50, line 11, after the dollar amount, insert the following: "(increased by \$1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by \$1,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: Page 50, line 11, after the dollar amount, insert the following: "(increased by \$1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by \$1,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by \$1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: Page 51, line 21, after the dollar amount, insert the following: "(increased by \$1,000)".

AMENDMENT NO. 115: Page 49, line 20, after the dollar amount, insert the following: “(increased by \$1,000)”.

Page 60, line 6, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 154: Page 60, line 25, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 155: Page 61, line 4, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 156: Page 61, line 8, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 157: Page 63, strike lines 20 through page 64, line 6 (section 305).

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 158: Page 64, line 15, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 159: Page 65, line 10, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 160: Page 65, line 22, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 161: Page 66, line 16, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 162: Page 67, line 14, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 163: Page 67, line 19, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 164: Page 67, line 23, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 165: Page 68, line 9, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 166: Page 68, line 14, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 167: Page 68, line 20, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 168: Page 69, line 15, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 169: Page 69, line 21, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 170: Page 70, line 1, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 171: Page 70, line 16, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 172: Page 70, line 24, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 173: Page 71, line 7, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 174: Page 71, line 24, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 175: Page 72, line 3, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 176: Page 72, line 12, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 177: Page 72, line 21, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 178: Page 73, line 13, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 179: Page 73, line 19, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 180: Page 75, line 24, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT No. 181: Page 76, line 16, after the dollar amount, insert the following: "(increased by \$1,000)".

H.R. 4577

OFFERED BY: MR. OXLEY

AMENDMENT No. 182: Page 65, line 22, strike "\$365,000,000" and insert "\$361,350,000".

H.R. 4577

OFFERED BY: MR. OXLEY

AMENDMENT No. 183: Page 65, line 22, after "\$365,000,000" insert ", of which \$10,000,000 shall be for costs associated with the transition of public television broadcasting to provide digital broadcasting services".

H.R. 4577

OFFERED BY: MR. OXLEY

AMENDMENT No. 184: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 5 ____ None of the funds made available in this Act may be used to provide any salary, wages, pay, bonus, or other monetary compensation to or on behalf of any officer or employee of the Corporation for Public Broadcasting, the Public Broadcasting Service, or National Public Radio, in an amount such that the aggregate amount of such salary, wages, pay, bonuses, and other monetary compensation for any year to or on behalf of the officer or employee would exceed the amount of the annual rate of pay in effect for that year with respect to Members of the House of Representatives under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(a)).

H.R. 4577

OFFERED BY: MR. ROEMER

AMENDMENT No. 185: Page 52, line 12, after the first dollar amount, insert the following: "(increased by \$25,000,000)".

Page 52, line 19, strike the period and insert the following: "": *Provided further*, That of the amount appropriated for programs under this heading, \$25,000,000 shall be made available for teacher transition programs described under section 306."

Page 59, line 10, after the first dollar amount, insert the following: "(decreased by \$25,000,000)".

Page 64, after line 6, insert the following new section:

SEC. 306. (a) PURPOSE OF TEACHER TRANSITION.—The purpose of this section is to address the need of high-need local educational agencies for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those agencies, following the model of the successful teachers placement program known as the 'Troops-to-Teachers program', by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary is authorized to use funds appropriated under paragraph (2) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$9,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPLICATION.—Each applicant that desires an award under subsection (b)(1) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus its recruitment efforts in carrying out its program under this section, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this section;

(2) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(3) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, support, and provide teacher induction programs to program participants under this section, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(4) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(5) such other information and assurances as the Secretary may require.

(d) USES OF FUNDS AND PERIOD OF SERVICE.—

(1) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

(A) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(B) training stipends and other financial incentives for program participants, not to exceed \$5,000 per participant;

(C) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(D) placement activities, including identifying high-need local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(E) post-placement induction or support activities for program participants.

(2) PERIOD OF SERVICE.—A program participant in a program under this section who completes his or her training shall serve in a high-need local educational agency for at least 3 years.

(3) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under paragraph (1)(B), but fail to complete their service obligation under paragraph (2), repay all or a portion of such stipend or other incentive.

(e) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall make awards under this section that support programs in different geographic regions of the Nation.

(f) DEFINITIONS.—As used in this section:

(1) The term 'high-need local educational agency' has the meaning given such term in section 2061.

(2) The term 'program participants' means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section \$25,000,000 for fiscal year 2001.

H.R. 4577

OFFERED BY: MR. RYAN

AMENDMENT NO. 186: Page 64, after line 6, insert the following:

SEC. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION—EDUCATION REFORM" for the 21st Century Community Learning Centers, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by \$300,000,000.

H.R. 4577

OFFERED BY: MR. SANDERS

AMENDMENT NO. 187: Page 36, line 12, after the dollar amount, insert the following: "(increased by \$300,000,000)".

H.R. 4577

OFFERED BY: MR. SANDERS

AMENDMENT NO. 188: Page 56, line 13, after the dollar amount, insert the following: "(increased by \$40,000,000)".

Page 60, line 25, after the dollar amount, insert the following: "(reduced by \$40,000,000)".

H.R. 4577

OFFERED BY: MR. STEARNS

AMENDMENT NO. 189: Page 49, after line 12, insert the following section:

SEC. 214. Amounts made available in this title for carrying out the activities of the National Institutes of Health are available for a report under section 403 of the Public Health Service for the following purposes:

(1) To identify the amounts expended under section 402(g) of such Act to enhance the competitiveness of entities that are seeking funds from such Institutes to conduct biomedical or behavioral research.

(2) To identify the entities for which such amounts have been expended, including a separate statement regarding expenditures under section 402(g)(2) of such Act for individuals who have not previously served as principal researchers of projects supported by such Institutes.

(3) To identify the extent to which such entities and individuals receive funds under programs through which such Institutes support projects of biomedical or behavioral research, and to provide the underlying reasons for such funding decisions.

H.R. 4577

OFFERED BY: MR. STEARNS

AMENDMENT NO. 190: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds made available in this Act may be used to provide funds to

a local educational agency or school that denies a request for access for military recruiting purposes made under section 503(c) of title 10, United States Code.

H.R. 4577

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 191: Page 84, after line 21, insert the following new section:

SEC. 518. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", by reducing the aggregate amount made available for "EDUCATION FOR THE DISADVANTAGED", by reducing the amount made available under the penultimate proviso (relating to section 1002(g)(2) of the Elementary and Secondary Education Act of 1965) under the heading "EDUCATION FOR THE DISADVANTAGED", by reducing the amount made available under title III for "DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION", and by increasing the aggregate amount made available for "SPECIAL EDUCATION", which increase shall be available for carrying out part B of the Individuals with Disabilities Education Act, by \$5,000,000, \$20,000,000, \$20,000,000, \$5,000,000, and \$30,000,000, respectively.

H.R. 4577

OFFERED BY: MR. VITTER

AMENDMENT NO. 192: Page 50, line 11, insert after the dollar amount the following: "(decreased by \$116,000,000)".

Page 51, line 21, insert after the first dollar amount the following: "(decreased by \$78,548,000)".

Page 52, line 12, insert after the first dollar amount the following: "(decreased by \$158,450,000)".

Page 53, line 5, insert after the dollar amount the following: "(decreased by \$30,765,000)".

Page 53, line 17, insert after the first dollar amount the following: "(increased by \$1,419,597,000)".

Page 54, line 13, insert after the dollar amount the following: "(decreased by \$900,000)".

Page 54, line 17, insert after the dollar amount the following: "(decreased by \$5,849,000)".

Page 55, line 2, insert after the dollar amount the following: "(decreased by \$3,420,000)".

Page 55, line 10, insert after the first dollar amount the following: "(decreased by \$36,850,000)".

Page 56, line 13, insert after the dollar amount the following: "(decreased by \$823,283,000)".

Page 57, line 14, insert after the first dollar amount the following: "(decreased by \$158,502,000)".

Page 58, line 3, insert after the dollar amount the following: "(decreased by \$7,030,000)".